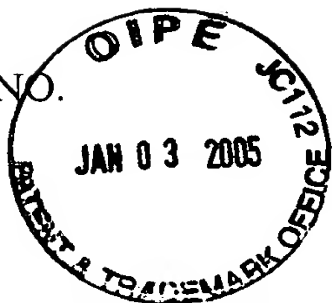


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PATENT APPLICATION  
USSN 09/745,978

AF #  
IZW

**In The United States Patent and Trademark Office  
On Appeal From The Examiner To The Board  
of Patent Appeals and Interferences**

In re Application of: Chinnappan, et al.  
Serial No.: 09/745,978  
Filing Date: December 22, 2000  
Examiner: Carlos Lugo  
Confirmation No. 8477  
Group Art Unit: 3677  
Title: *System and Method for Facilitating Electronic Commerce Transactions*

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*Willie Jiles*

Willie Jiles

Date: January 3, 2005

Dear Sir:

**Appeal Brief**

Appellants have appealed to the Board of Patent Appeals and Interferences (the "Board") from the decision of the Examiner mailed September 8, 2004, finally rejecting all pending Claims 1-28. Appellants filed a Notice of Appeal on November 1, 2004. Appellants respectfully submit this Appeal Brief with the statutory fee of \$500.00.

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**Real Party in Interest**

This Application is currently owned by i2 Technologies US, Inc., as indicated by:  
an Assignment recorded on December 22, 2000, from the inventors to i2 Technologies, Inc., in the Assignment Records of the United States Patent and Trademark Office ("PTO") at Reel 011406, Frames 0345-0348; and  
an Assignment recorded on July 30, 2001, from i2 Technologies, Inc. to i2 Technologies US, Inc., in the Assignment Records of the PTO at Reel 012033, Frames 0328-0339.

**Related Appeals and Interferences**

No known appeals, interferences, or judicial proceedings are related to or will directly affect, be directly affected by, or have a bearing on the Board's decision regarding this Appeal.

**Status of Claims**

Claims 1-28 are pending in this Application, stand rejected pursuant to a Final Office Action mailed September 8, 2004 (the "Final Office Action"), and are all presented for appeal. All pending claims are shown in Appendix A, along with an indication of the status of those claims.



**Status of Amendments**

All amendments submitted by Appellants have been entered by the Examiner prior to the mailing of the Final Office Action.

**Summary of Claimed Subject Matter**

In certain embodiments, as illustrated in FIGURE 1, the present invention includes an example electronic commerce (“e-commerce”) system 10 that includes a network 12 coupling buyers 20, sellers 30, and a global content directory (GCD) server 40. System 10 enables e-commerce transactions between buyers 20 and sellers 30 through the use of a GCD 42 supported by GCD server 40. Network 12 may include any appropriate combination of public and private networks coupling buyers 20, sellers 30, and GCD server 40. (*See* Page 7, Lines 2-15)<sup>1</sup>

A buyer 20 in one transaction may be a seller 30 in another transaction (and a seller 30 in one transaction may be a buyer 20 in another transaction). The terms “buyer” and “seller” may be used to refer to an individual or entity involved in a transaction and/or the computer(s) used by that individual or entity to conduct the transaction. Furthermore, the present invention applies to any appropriate type of e-commerce transactions and is not limited to the sale of goods and services. (*See* Page 7, Lines 16-23)

Although a buyer 20 may have a need for a “product” (meaning all goods, services, information, and other tangible or intangible items that may be the subject of any appropriate type of transaction) and multiple sellers 30 may provide that product, there are many steps that must occur before a transaction involving the product may be completed. These steps may include, but are not limited to: (1) the cataloging of products and product features by sellers 30; (2) the matching of a buyer’s demands to one or more products of one or more sellers 30 (through the searching of seller catalogs); (3) the identification of commercial information (such as price) related to a product; (4) the connection of the buyer 20 to a potential seller 30; (5) the agreement of what seller 30 is to provide buyer 20; (6) the negotiation of a price; (7) the legal settlement of the transaction; and (8) the arrangement of logistics to physically complete the transaction. (*See* Page 7, Line 24-Page 8, Line 3)

The first three steps above may be grouped into what may be referred to as the “discovery” phase of a transaction. In the discovery phase of many typical e-commerce

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<sup>1</sup> All citations in the “Summary of the Claimed Subject Matter” section of this Appeal Brief refer to Appellant’s patent application as filed on March 17, 2000.

transactions, a buyer 20 performs a search for a number of sellers 30 that offer a desired product and then accesses numerous seller web sites to determine which seller 30 offers certain desired features of the product at the best price. Sellers 30 may each provide one or more databases 32, such as relational databases, that include data identifying the seller's products and their features. Such databases 32 may be accessed through each seller's web site or in any other appropriate manner. The multiple one-to-one (one buyer 20 to one seller 30) searches that this process requires are inefficient and expensive because of the large amount of searching involved in finding a product and because once a particular product is found, the various offerings of that product by different sellers may not be easily compared. (See Page 8, Lines 4-15)

Alternatively, multiple sellers 30 may be grouped in an electronic marketplace according to the products they provide and a buyer 20 may search the offerings of the multiple sellers 30 at a single web site. However, if buyer 20 wishes to obtain several different types of products, then buyer 20 may have to go to several different types of marketplaces, and there may be numerous competing marketplaces that buyer 20 has to search to perform the discovery phase of a transaction for a particular product. One way to address this problem is to create a global product database that potentially includes data identifying the features of all products that any buyer may wish to obtain. Therefore, the global database would include the combined contents of every database 32 associated with every seller 30. Such a global database would have many problems. For example, the sheer size of the database would make it difficult to search and thus the database would suffer from performance problems. In addition, it would be difficult to allow large numbers of buyers 20 to search the database at once. Furthermore, all sellers 30 would be required to access the global database to update their information and the entire database would have to be updated each time a change is made. (See Page 8, Lines 16-32)

A solution to the above problems, at least in part, is GCD 42, which is a universal directory of the contents of multiple seller databases 32 (and potentially all seller databases 32). GCD 42 may be implemented using one or more servers 40 or other computers located at one or more locations. Most or all of the database content (such as product data, which may include an identifier of the product, descriptions of product features, information

enabling a transaction relating to a product, or any other appropriate data or information) is stored in databases 32, but all of this content is accessible using GCD 42. Therefore, like the global database described above, GCD 42 provides buyers 20 with access to product data relating to a multitude of products, but unlike the global database, GCD 42 does not attempt to store all of this product data in one enormous database. Instead, GCD 42 provides a directory of products using a directory structure in which products are organized using an hierarchical, object-oriented classification system (a "taxonomy"). A buyer 20 may navigate or search the directory to find a particular product and product data associated with the product. After a certain point of specificity, the product data associated with a product may actually be stored in and obtained by GCD 42 from a seller database 32. However, the requested product data may be transparently provided to buyer 20 such that all of the product data may appear to buyer 20 as being included in GCD 42. (*See Page 9, Lines 1-18*)

FIGURE 2 illustrates an example directory structure 44 of an example GCD 42. Products categorized in GCD 42 may be organized according to schemas. A schema may include the various classes into which a product is categorized (which may be referred to as "taxonomy") and the various features used to organize products in a particular class (which may be referred to as "ontology"). In example directory structure 44, products may be organized and cataloged according to industry standard schemas 46 or other appropriate schemas, as described in the Specification. Within industry standard schemas 46, there are two example classes: a direct materials class 48 and an indirect materials class 50. Each of these classes 48 and 50 includes several sub-classes which may themselves include sub-classes). Therefore, the numerous classes of directory structure 44 form a "tree-like" hierarchical structure into which products may be categorized. (*See Page 9, Lines 19-30*)

For example purposes, certain portions of directory structure 44 are "expanded" to show various levels of classes, the "level" of a class being indicated by the number of other classes between that class and a root class (for example, industry standard schemas class 46). Indirect material class 50 may include an office and computer supplies class 52, which includes a desk supplies class 54, which includes a writing utensils class 56. Furthermore, writing utensils class 56 includes a pens class 58, which includes numerous pen type classes 60a-60n ("n" indicating that any number of classes 60 may be included in pens class 58).

Each of classes 50, 52, 54, 56, 58, and 60 is located at a different level of directory structure 44. A class at any level in directory structure may include one or more sub-classes, those sub-classes may include one or more sub-classes, and so on until a desired specificity of categorization is reached. A series of classes from a highest level class (the broadest class) to a lowest level class (the most specific class) may be referred to as a "branch" of directory structure 44. (See Page 9, Line 31-Page 10, Line 14)

A buyer 20 may navigate through directory structure 44 by expanding or collapsing various classes (e.g., the expansion of certain classes of directory structure 44 to reach a felt-tip pen class 60b). Once a buyer 20 has navigated to a class that is specific enough for buyer 20 (and/or a class that is at the end of a branch), buyer 20 may then perform a search for products included in that class. For example, buyer 20 can search for all products in writing utensils class 56 that are blue felt-tip pens having medium tips. Alternatively, if buyer 20 navigates to the end of a branch of directory structure 44, such as felt-tip pen class 60b, GCD 42 may then enable buyer 20 to search for such pens that have blue ink and medium tips (which may reach the same result as the search above). (See Page 10, Lines 15-24)

Product features (at least features that are more specific than the features defined by a class) are not typically stored in GCD 42, but are stored in databases 32. For example, a seller 30 may maintain a relational database 32 that includes a plurality of tables defining selected features of a variety of products. One or more pointers may be associated with each class to identify the location of one or more databases 32 that include product data for products contained in that class or to identify particular data products in databases 32. Therefore, GCD 42 may execute a search for products in databases 32 identified by a pointer corresponding to a user-selected class. GCD 42 may also return the network location (such as a uniform resource locator (URL) or other network address) of the database 32 to buyer 20 so that buyer 20 may independently access database 32. Databases 32 may be searched using any appropriate method (e.g., a structured query language (SQL) query). (See Page 10, Line 25-Page 11, Line 5)

GCD 42 may be implemented using the lightweight directory access protocol (LDAP). LDAP enables directories to be provided using the tree-like structure described

above. However, any other appropriate technique or protocol for creating GCD 42 may alternatively be used and GCD 42 may have any appropriate structure. Furthermore, GCD 42 may be an object-oriented directory (which is also provided by LDAP) such that each class in directory structure 44 includes the attributes of parent classes in which the class is a sub-class. Therefore, a product class listed at the end of a branch of the tree structure includes all of the attributes of its parent classes in the branch. Furthermore, each product included in a database 32 may be an object that includes all the attributes of the classes in which the product is included. Thus, when a search is performed from a class at the end of a branch of directory structure 44, the search query may automatically include any appropriate attributes of parent classes of the class. (*See Page 11, Lines 6-18*)

For example, if a buyer 20 has navigated through directory structure 44 to felt-tip pens class 60b, a search performed by buyer 20 (or by GCD 42 on behalf of buyer 20) from felt-tip pens class 60b may automatically be limited to a search for felt-tip pens and buyer 20 may introduce additional desired search criteria (such as blue ink and medium tip). Therefore, if the database(s) 32 searched includes product data relating to a variety of writing utensils, a search of database 32 may be automatically limited by GCD 42 to only include felt-tip pens within that database 32. If a search including only the class attributes as the search criteria is not specific enough, buyer 20 may identify additional product features as additional search criteria. (*See Page 11, Lines 19-27*)

When GCD 42 has performed a search of the databases 32 identified by a pointer associated with a class that buyer 20 has selected, GCD 42 returns product data associated with one or more products that fit the search criteria. GCD 42 may integrate the product data resulting from the search into directory structure 44 so that the product data appears to buyer 20 as being part of GCD 42. GCD 42 may alternatively present the results of the search in any other appropriate manner. Each product resulting from the search may be an object which is unique instance of the class in which buyer 20 is searching. Each such object (and its location) may be uniquely identified using a numbering scheme corresponding to directory structure 44, as described below. As can be seen from the description above, GCD 42 provides the advantages of a global database without many of the disadvantages associated with such a global database. These advantages are realized since GCD 42 provides access

to and presentation of global product data without actually storing all such data. (*See* Page 11, Line 28-Page 12, Line 9)

Different seller databases 32 may include product data about the same class of product (for example felt-tip pens), however these different databases 32 may identify products of that class using different features, they may use different names for the same product feature, and/or they may quantify product features in different units of measurement. Some of these issues may be solved using translation mechanisms that convert the data into a uniform format used by GCD 42. In addition, sellers 30 may create databases 32 (or modify existing databases 32) to conform to a uniform standard in anticipation of a database 32 being used in association with global content directory 42. If a database 32 does not completely conform to such a uniform standard, the database 32 may be partially integrated into GCD 42, but some products in the database 32 may not be properly identified and presented to a buyer 20 using GCD 42. Therefore, through translation mechanisms and market pressure to be included and fully integrated into a global directory of products, a seller databases 32 may conform to the uniform standard used by GCD 42 to identify the particular class or classes of products included in the database 32. (*See* Page 12, Lines 10-24)

Although example directory 44 may use industry standard schemas 46, any other appropriate number of schemas 62 may be used in addition to or instead of industry standard schemas 46. For example, while industry standard schemas 46 may be organized from a manufacturer's viewpoint, other schemas 62 may be used that organize products from a buyer's viewpoint. For example, a buyer 20 may wish to furnish a kitchen of a new house with various products, such as appliances, window treatments, paint, cabinetry, plumbing, dishes, and cooking utensils. Using one set of schemas 62, these products may be organized into a variety of unrelated classes based on certain features of the products (for example, certain kitchen appliances may be categorized in an electronics class 64 of directory structure 44 while paint may be categorized into an industrial class 66). However, another example set of schemas 62 may categorize all such products into a home products class (which may include several classes further categorizing the products, such as a kitchen products class which includes a kitchen appliances class, which includes a refrigerator class, and so on). Therefore, the same product may be included in multiple schemas 62. These alternative

schemas may be included in directory structure 44 and may be stored as a part of or separate from GCD 42. (*See* Page 12, Line 25-Page 13, Line 9)

In summary, a buyer 20 may search for a product using GCD 42 and thus eliminate or reduce the need for buyer 20 to search numerous sellers 30 to find the desired product. GCD 42 provides access to product data relating to these numerous products using directory structure 44, which organizes products using a hierarchical, object-oriented classification system. Buyer 20 may navigate or search directory structure 44 to find a particular classification of products and various information associated with the products within this classification, initiate a search of databases 32 including product data relating to a product, and then communicate with an appropriate database 32. This access to vast numbers of products is provided without the requirement that all data about the products be stored in a global database (which would greatly decrease performance). Instead the product data may be stored in seller databases 32 that can be readily accessed from the global content directory. (*See* Page 13, Lines 10-21)

FIGURE 3 illustrates an example globally unique identifier (GUID) 100 that may be used to uniquely identify products that may be accessed using GCD 42. Directory structure 44 of GCD 42 provides a powerful tool for organizing and categorizing products. This organizational structure may also be used to identify products and product features using a GUID 100 that identifies the various classes into which a product is categorized. Furthermore, source information (such as information about a supplier or manufacturer) may also be included in a GUID 100 to identify a specific manufacturer, supplier, and/or other entity from which the specific product may be obtained. In certain embodiments, GUID 100 may include one or more of a class identifier (CID) 110, a product identifier (PID) 120, a repository identifier (RID), a feature identifier (FID), or any other appropriate identifiers. (*See* Page 13, Line 22-Page 17, Line 20)

A buyer 20 using GCD 42 may select a particular class of GCD 42, such as felt-tip pens class 60b, and request that a search be performed for all blue felt tip pens included in class 60b. In response to this search request, GCD 42 may initiate a search of one or more seller databases 32 (or one or more sets of product data in databases 32) identified by one or



more pointers associated with class 60b. The results of this search of databases 32 may include product data for each of a number of blue felt-tip pens meeting the search criteria (the product data may include features of the product that were not searched for). Furthermore, a GUID 100 for each blue felt-tip pen may be associated and/or displayed with or be included in the product data. Buyer 20 may then choose one of the blue felt-tip pens identified in the search (for example, a medium point pen manufactured by XYZ Company having a price of fifty cents per pen). (*See Page 15, Line 29-Page 16, Line 8*)

GUID 100 may also include or be associated with a repository identifier (RID), which may be a unique ID assigned to a seller 30 included in system 10. An RID may also indicate a manufacturer of a product (if different than the seller 30) and any other entity involved in the manufacture, distribution, and sale of a product (one or more of which may be identified using a single RID). When buyer 20 selects a product listed in search results displayed by GCD 42, GCD 42 may identify one or more sellers 30 from which the product may be obtained using an RID. Each RID may identify the network location (such as a URL or other network address) of the seller database 32 that includes the product (or an associated web site through which the product is available), so that buyer 20 may access the database 32 and/or web site to purchase the product or conduct some other transaction regarding to the product. An RID may be associated with a URL or an Internet Protocol (IP) address of a computer coupled to the Internet (or another network) that supports the database 32 and/or web site. An RID may be returned to a buyer 20 in response to the entering or selection of a CID 110 and PID 120. An RID may also be included, along with a CID 110 and PID 120, on a label or other part of a product so that a buyer 20 may determine how to obtain additional products of that type. (*See Page 16, Lines 9-26*)

GUID 100 may also include or be associated with a feature identifier (FID). A CID 110 and a PID 120 may be used to uniquely identify a product having a unique set of features. Some of these features are defined by the attributes of the classes of GCD 42 in which the product is included, but other features are defined in a database 32 and may be identified as a unique grouping of features by a PID 120 (however, two products in a database 32 may have identical features listed in database 32 but different PIDs, since the difference between the products may be associated with features not included in database 32

or may be simply a difference in the PID assigned by the manufacturer for the same product). One or more of the group of features identified by a PID may be individually identified using an FID. For example, if a buyer 20 wants to identify the color of ink in a particular pen (the pen identified using a CID 110 and PID 120), then the buyer 20 may do so by including the FID associated with ink color with the CID 110 and PID 120 in a search. The search results may then include the color of the ink that is used in the identified product. Alternatively, an FID may be used to specify a particular feature (such a blue ink) as a search criteria when searching for a product (such as felt-tip pens). (See Page 17, Lines 4-20)

FIGURE 4 illustrates example operation of system 10. Numerous buyers 20 and sellers 30 may be coupled to GCD server 40 using network 12. Buyers 20 may access server 40 using a web browser or in any other appropriate manner and server 40 may provide buyers 20 with access to GCD 42 using web server software and/or hardware or in any other appropriate manner. Server 40 may also include hardware and/or software for implementing one or more GCD interfaces 43. A buyer 20 may access server 40 and use a GCD interface 43 to search or navigate GCD 42 and/or seller databases 32. Information may be communicated between buyers 20, sellers 30, and GCD 42 using hypertext transport protocol (HTTP), extensible markup language (XML), simple object access protocol (SOAP), or any other suitable communication technique. Each buyer 20 and seller 30 may be issued a unique identifier so that the participants in a transaction facilitated by GCD 42 may be identified. (See Page 17, Line 21-Page 18, Line 2)

In an example transaction, a buyer 20 may access a GCD interface 43 and perform a search of global content directory 42. GCD interface 43 may allow buyer 20 to both navigate or "browse" the classes of GCD 42 and to search for a particular class or classes. For example, buyer 20 may either navigate GCD 42 to find a class into which pens are categorized or buyer 20 may search GCD 42 for class names including the word "pen." Any other suitable methods for identifying a particular class may also be used. When buyer 20 has located the appropriate class for the product buyer 20 desires, buyer 20 may then request a listing of products in that class having certain features. For example, if buyer 20 is browsing felt-tip pens class 60b, buyer 20 may request all products in class 60b (felt-tip pens) that have red ink and a fine tip. (See Page 18, Lines 3-13)

A search interface 45 or other appropriate component of GCD server 40 may facilitate such a request by searching or requesting searches of seller databases 32 identified by one or more pointers associated with felt-tip pens class 60b, as described above. Search interface 45 may provide buyer 20 with a search form in which to enter one or more search criteria. The types of search criteria that may be used may be identified in the search form or buyer may be allowed to perform a general search of databases 32 for certain terms. For example, search interface 45 may provide buyer 20 with a search form tailored for class 60b that includes fields where buyer 20 can specify a desired ink color, tip thickness, or any other appropriate criteria. Alternatively, search interface 45 may provide a single field where buyer can enter in desired search terms, such as “red” and “fine” (multiple search terms may be entered using Boolean operators or any other appropriate technique). (See Page 18, Lines 14-25)

Based on the search terms provided by buyer (and possibly based on any appropriate attributes of the class from which the search is conducted), search interface 45 may communicate a query to the appropriate seller database(s) 32 requesting that databases 32 each return a listing of all products (including associated product data) that meet the search criteria. Databases 32 may also communicate product data relating to features of the matching products that were not included in the search criteria. For example, databases 32 may return a price and availability of a product that meets the search criteria even if the price and availability were not search criteria. The responses to the queries of databases 32 may be displayed to buyer 20 in any appropriate manner. As just an example, the products may be listed in order of relevance to the search criteria according to improved matching criteria. Furthermore, GCD 42 may reorder the product listing based on a request from buyer 20 (e.g., buyer 20 may request that the matching products be listed in order from least expensive to most expensive). Each product in listing may be associated with a GUID 100 and/or an RID. (See Page 18, Line 26-Page 19, Line 10)

Buyer 20 may select a product from the product listing to indicate a desire to initiate a transaction regarding the product (e.g., a purchase of the product). Upon such a selection, GCD 42 may communicate an RID of the supplier of the product and a GUID 100 for the product to buyer 20. For example, the RID may be the network address (such as an IP

address) of a seller network node 30 or may be associated with the network address in a table (in which case GCD 42 may use the RID to look up the associated network address and then communicate the network address to buyer 20). Buyer may access the seller 30 using the RID (or network address) and request a transaction regarding the product using the GUID 100. GCD 42 may provide a link including a URL of a web site associated with the seller 30 or may provide any other appropriate method for buyer 20 to be connected to seller 20. Although only a single example arrow (between buyer 20n and seller 30n) is shown, it should be understood that any buyer 20 may communicate with any seller 30 to conduct appropriate transactions. (See Page 19, Lines 11-24)

Since GCD 42 is able to communicate with databases 32 to identify certain products requested by a buyer 20, information about the products categorized in GCD 42 does not have to be stored at GCD 42. Furthermore, since buyer 20 may communicate directly with an appropriate seller 30 after selecting a product identified by GCD 42 and being given location information for a seller 30 of the product, GCD 42 does not have to maintain resources to support transactions relating to the product. Therefore, by linking a directory of products to databases 32 containing information about the products, potentially every product in the world may be made available to a buyer 20 without having to store information about all such products (which would be infeasible due to the immense amount of data that would have to be stored, the difficulties associated with keeping the data up to date, and other problems). (See Page 19, Line 25-Page 20, Line 3)

One advantage of GCD 42 is that it provides access to vast numbers of products but does not have to store much information about these products (since the information is stored in seller databases 32). Furthermore, GCD 42 may direct buyer 20 to sellers 30 to conduct a transaction regarding a product, so GCD 42 does not have to support e-commerce transactions between buyer 20 and sellers 30. However, since buyers 20 may typically communicate with sellers 30 to complete a transaction, the performance of e-commerce system 10 may be decreased if a buyer 20 and seller 30 involved in a transaction are located at a large distance from one another (since the communication time is increased). Furthermore, performance may be decreased if a particular seller 30 experiences a large volume of transactions and is unable to support such a volume. Therefore, certain

embodiments of the present invention contemplate the dynamic migration of product data relating to a particular product(s) from seller databases 32 to network nodes that are closer to frequent buyers 20 of the product(s). Buyers 20 may then access the migrated product data to conduct transactions with sellers 30 associated with the migrated product data (or buyers 20 may directly access the seller database or databases 32 from which the product data is copied). As described above, “product data” may include data describing various features of a product as well as any software that may be used to support a purchase of the product or any other transaction relating to the product. Additional details relating to the migration of product data and search results for caching or other storage at locations nearer to the buyers 20 that frequently access the product data or search results are described in the Specification at least at Page 21, Line 14-Page 25, Line 14)

FIGURE 5 illustrates an example table 150 that may be included in a seller database 32. Database 32 may include one or more tables 150 and each table 150 may contain product data relating to one or more types of products. For example, example table 150 includes product data relating to different types of pens. However, table 150 could also include product data for other types of products (for example, other types of office supplies) or this product data may be contained in other tables 150 in database 32. Table 150 includes a plurality of columns 152 that each include data relating to a particular product feature. Although an example number of columns 152 including example product features are illustrated, it should be understood that any appropriate number and type of product features or other categories of data may be included in table 150. Table 150 also includes a number of rows 154 that may each correspond to a particular product (and an associated PID) and that each include data values for one or more of the product features. Each of the data values (which may be numeric, textual, or in any other appropriate format) is located at the intersection of the row 154 associated with a particular product and the column 152 that includes a particular product feature. Each of these intersections may be referred to as a field or cell 156 of table 150. (See Page 25, Lines 15-31)

As described above, the data in one or more columns 152 of table 150 may be indexed to increase the speed with which database reads may be conducted. For example, the fields 156 of ink color column 152d and tip size column 152e may be indexed so that a database

query for a pen having a particular ink color and tip size may be quickly performed. Data in table 150 may be indexed using any appropriate database indexing technique. The typical result of such indexing is that when GCD 42 or a buyer 20 requests indexed data from a database 32, the associated database management system (or other appropriate interface to database 32) does not have to search through every field 156 in the tables 150 included in database 32 to locate the requested data. Instead, the data may be indexed such that when GCD 42 or a buyer 20 submits a query for products having certain values of features that have been indexed, the database management system already knows the locations of such products in table 150 and may return product data associated with these products without searching the entire table 150 or database 32 for the products. For example, if the ink color fields 156 and tip size fields 156 of columns 152d and 152e, respectively, are indexed, then the index will typically identify the location of all products having black ink and a medium tip size. (See Page 25, Lines 1-17) Additional details relating to the indexing of tables 150 and searching of tables 150 are described in the Specification at least at Page 26, Line 18-Page 30, Line 17)

FIGURE 6 illustrates an example method for determining whether to index the fields of a table 150 in a database 32. (See Page 30, Line 18-Page 31, Line 30)

**Grounds of Rejection to be Reviewed on Appeal**

1. Are Claims 1-7, 9-16, 18-25, and 27-28 patentable under 35 U.S.C. § 102(b) over a collection of archived screenshots from ebay.com that make up the Ebay reference ("*Ebay*")?
2. Are Claims 1-7, 9-16, 18-25, and 27-28 patentable under 35 U.S.C. § 102(b) over a collection of archived screenshots from amazon.com that make up the Amazon reference ("*Amazon*")?
3. Are Claims 1-28 patentable under 35 U.S.C. § 103(a) over the Examiner's proposed combination of U.S Patent 6,366,910 to Rajaraman, et al. ("*Rajaraman*") and the *Ebay* reference?

**Grouping of Claims**

Appellants have made an effort to group claims to reduce the burden on the Board. In the Argument section of this Appeal Brief, where appropriate, Appellants present arguments as to why particular claims subject to a ground of rejection are separately patentable from other claims subject to the same ground of rejection. To reduce the number of groups and thereby reduce the burden on the Board, Appellants do not argue individually every claim that recites patentable distinctions over the references cited by the Examiner, particularly in light of the clear allowability of Appellants' independent claims. The claims of each group provided below may be deemed to stand or fall together for purposes of this Appeal.

Appellants have concluded that the claims may be grouped together as follows:

With regard to each of the grounds of rejection identified above as issues 1-3, the claims subject to that ground of rejection may be grouped together as follows for purposes of this Appeal:

1. Group 1 may include independent Claims 1, 11, and 20 and dependent Claims 2, 4-7, 12, 14-16, 21, and 23-25;
2. Group 2 may include dependent Claims 3, 13, and 22, which depend from independent Claims 1, 11, and 20, respectively;
3. Group 3 may include dependent Claims 9, 18, and 27, which depend from independent Claims 1, 11, and 20, respectively; and
4. Group 4 may include dependent Claims 10, 19, and 28, which depend from independent Claims 1, 11, and 20, respectively.



**Argument**

The rejection of Claims 1-7, 9-16, 18-25, and 27-28 under 35 U.S.C. § 102(b) as being anticipated by the *Ebay* reference is improper and should be reversed by the Board. The rejection of Claims 1-7, 9-16, 18-25, and 27-28 under 35 U.S.C. § 102(b) as being anticipated by the *Amazon* reference is improper and should be reversed by the Board. The rejection of Claims 1-28 under 35 U.S.C. § 103(a) as being unpatentable over the proposed *Rajaraman-Ebay* combination is improper and should be reversed by the Board.

**I. The Claims are Patentable over the *Ebay* Reference**

**A. Overview**

Claims 1-7, 9-16, 18-25, and 27-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the *Ebay* reference. A copy of the *Ebay* reference is attached as Appendix B. Appellants respectfully submit that Claims 1-7, 9-16, 18-25, and 27-28 are clearly patentable over the *Ebay* reference. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.

**B. Standard**

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, “[t]he identical invention must be shown in as complete detail as contained in the . . . claim.” M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, “[t]he elements must be arranged as required by the claim.” *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131.

**C. The *Ebay* Reference**

The *Ebay* reference discloses a list of product categories through which a user may navigate to find a desired category (e.g., a Sports Category). (*See* Pages 1-2) The user may then search within the desired category for a desired item (e.g., items relating to Roberto Clemente). (*See* Pages 2-5) The *Ebay* reference also discloses returning search results for the search performed by the user, which may include a list of found items matching certain

search terms entered by the user. (See Pages 3 and 5) A user may click on a particular found item, and the ebay.com web site will display certain information about the particular found item. (See Page 6)

**D. Group 1 (Claims 1-2, 4-7, 11-12, 14-16, 20-21, and 23-25)**

Claims 1-2, 4-7, 11-12, 14-16, 20-21, and 23-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the *Ebay* reference. Appellants respectfully submit that these claims are clearly patentable over the *Ebay* reference. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.

Claims 1-2, 4-7, 11-12, 14-16, 20-21, and 23-25 are separately patentable from every other claim subject to the same ground of rejection. These claims recite limitations that are substantially different from limitations recited in other claims. In addition, claims excluded from Group 1 that are subject to the same ground of rejection and that depend on independent Claims 1, 11, and 20, respectively, recite patentable distinctions over the prior art beyond those recited in independent Claims 1, 11, and 20 and cannot be properly grouped with independent Claims 1, 11, and 20 for purposes of this Appeal.

Independent Claim 1, which Appellants discuss as an example, recites:

A global content directory ***for a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases***, the global content directory comprising:

a directory structure comprising a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and defining one or more attributes of the products categorized in the product class;

one or more pointers associated with each product class in the plurality of product classes, ***each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from other seller databases in the distributed plurality of seller databases***; and

a search interface operable to communicate, in response to a selection of a product class by a user of the global content directory, a search query for product data to ***the one or more seller database identified by the one or more pointers associated with the selected product class, each seller database***

*being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller database.*

The *Ebay* reference fails to disclose, teach, or suggest various limitations recited in Claim 1.

For example, the *Ebay* reference fails to disclose, teach, or suggest “one or more pointers associated with each product class in the plurality of product classes, *each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases,*” as recited in Claim 1. As illustrated by the archived screenshots of ebay.com (which make up the *Ebay* reference), seller information is displayed when a user selects a particular found item. Based on the screenshots that make up the *Ebay* reference, however, there is no way to know how the system disclosed in the *Ebay* reference works or how it obtains the search results.

Forced to speculate as we are, it is likely that a seller wishing to offer an item for auction on ebay.com submits information about the seller and the item to ebay.com and ebay.com simply stores that information in *a single, consolidated database system associated with ebay.com* that stores information *for all sellers* offering items for auction on ebay.com. This is particularly likely in light of the fact that many, if not most, sellers offering items for auction on ebay.com are individuals offering one or possibly a few items for auction, not a whole database of items. In fact, ebay.com most likely performs a simple search (e.g., an SQL search) of *the single, consolidated database associated with ebay.com* that stores information *for all sellers*. Each item listing in the database of ebay.com may include a seller entry for the seller of the item, category entries listing the categories for the item, and other information. Additionally, according to the *Ebay* reference, the screenshot displaying details for a selected found item (e.g., *Ebay*, Page 6) also includes a link to other items offered by the seller. Again, forced to speculate as we are, it is likely that obtaining this information for display is a matter of simply performing another search of *the single, consolidated database associated with ebay.com* that stores information *for all sellers* offering items for auction on

ebay.com. Thus, the *Ebay* reference fails to disclose, teach, or suggest the plurality of seller databases, let alone “the plurality of distributed seller databases,” and even more clearly ***“each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases,”*** as recited in Claim 1

Appellants made these arguments during prosecution. In response, the Examiner indicated that the *Ebay* reference discloses “one or more pointers associated with each product class in the plurality of product classes, each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases,” as recited in Claim 1. (*See, e.g.,* Final Office Action, Pages 8-9)

First, the Examiner argued that the limitation “a plurality of seller databases”<sup>2</sup> is not positively claimed, that this limitation was considered by the Examiner to be an intended use of the global content directory, and that such intended use recitations do not impose any structural limitations upon the claimed apparatus that differentiates it from a prior art reference disclosing the structural limitations of the claim. (*See* Office Action mailed March 22, 2004, Page 9 and Final Office Action, Page 9) The Examiner’s statements apparently raise a question of the patentable weight given to certain limitations recited in Claim 1.

Appellants reiterate that “[a] claim is anticipated only if ***each and every element*** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added); M.P.E.P. § 2131. Stated another way, “for anticipation under 35 U.S.C. 102, the reference must teach ***every aspect*** of the claimed invention either

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<sup>2</sup> In fact, Claim 1 recites “a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases.”

explicitly or impliedly.” M.P.E.P. § 706.02 (emphasis added). In addition, “[t]he *elements must be arranged as required by the claim.*” M.P.E.P. § 2131 (emphasis added) referencing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); *see also Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, “[t]he *identical invention* must be shown in as complete detail as is contained in the . . . claim.” M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). Thus, Appellants respectfully submit that it was improper for the Examiner to simply ignore the limitations relating to “the distributed plurality of seller databases” recited in Claim 1. As illustrated above, the *Ebay* reference fails to disclose, either expressly or inherently, each and every limitation recited in Claim 1, as is required under the M.P.E.P. and governing Federal Circuit cases.

Additionally, the limitations “a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases” appear in the preamble as well as the body of Claim 1. The preamble must be given the effect of a limitation if it breathes life and meaning into the claim. *See* MPEP § 2111.02. In order to limit a claim, the preamble must be “essential to point out the invention defined by the claim.” *See Kropa v. Robie*, 187 F.2d 150, 152 (C.C.P.A. 1951); *see also Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305 (Fed. Cir. 1999) (stating that if the claim preamble, when read in the context of the entire claim, recites limitations of the claim, or, if the claim preamble is necessary to give life, meaning, and vitality to the claim, then the claim preamble should be construed as if in the balance of the claim). Appellants respectfully submit that limitation “the distributed plurality of seller databases” recited in the preamble and in the body of Claim 1 breathes life and meaning into Claim 1 and is essential to point out the invention defined by Claim 1.

Moreover, whether or not the “distributed plurality of seller databases” are positively recited in Claim 1, certain structures of Claim 1 that are unquestionably positively recited (e.g., the one or more pointers associated with each product class and the search interface), and certain functions performed with respect to those positively-recited structures, are further defined by or performed with respect to the distributed plurality of seller databases. For example, Claim 1 recites that “each pointer identif[ies] the seller database in the distributed

plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases.” Such recitation clearly serves to structurally define the one or more pointers recited in Claim 1. As another example, the search interface recited in Claim 1 is operable to communicate “a search query for product data to the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases.” Such recitation clearly states what the search interface is operable to do with respect to the distributed plurality of seller databases.

Second, the Examiner argued that “Ebay discloses a plurality of product classes (the different categories) having this pointer.” (Final Office Action, Page 9) The Examiner stated:

It is common sense that if a person clicks on the sports class, it will appear classes or products related to sports, it would not appear a car or a house, etc. When a person finds the product that he was looking for, that product has his own pointer, that is different from the others and it is connected to the seller database (information or more products that the seller is offering). There is no speculation of how Ebay works.

(Final Office Action, Page 9)

Appellants again respectfully submit that there is in fact much speculation regarding how *Ebay* works, at least because there is no way that the Examiner can know how the system disclosed in the *Ebay* reference works or how it obtains its search results, as Appellants repeatedly discussed throughout prosecution and above. During prosecution, Appellants requested that if the Examiner was relying on “common knowledge” or “well known” art to modify the *Ebay* reference, the Examiner provide a reference pursuant to M.P.E.P. § 2144.03 to support such an argument. Appellants also requested that if the Examiner was relying on personal knowledge to supply the required motivation or suggestion to modify the *Ebay* reference, the Examiner provide an affidavit supporting such facts pursuant to M.P.E.P. § 2144.03. The Examiner did not do so. Appellants respectfully submit

that since such a reference or affidavit was not supplied by the Examiner, the anticipation rejection made by the Examiner was clearly inappropriate. Furthermore, Appellants reiterate that any seller database used by the system disclosed in the *Ebay* reference is likely a *single seller database for all sellers* offering items for sale on ebay.com, as Appellants repeatedly explained. The Examiner has presented no evidence (other than his summary conclusions) otherwise. The *Ebay* reference clearly fails to disclose, teach, or suggest “one or more pointers associated with each product class in the plurality of product classes, *each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases,*” as recited in Claim 1.

Third, the Examiner argued that “[a]s to applicants’ arguments that Ebay fails to disclose pointers (Page 10, Line 6), Ebay discloses the use of pointers. The Internet is based on pointers that define something from another thing.” (Final Office Action, Page 9) First, it is not clear to Appellants what the Examiner meant (i.e. What thing do the pointers on which the Internet is purportedly based define from another thing?). In any event, as Appellants have repeatedly explained, *even assuming for the sake of argument that ebay.com uses pointers as defined by the Examiner, there would still be no disclosure, teaching, or suggestion in the Ebay reference* that there are “one or more pointers associated with each product class in the plurality of product classes, *each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases,*” as recited in Claim 1. At best, the pointers used by ebay.com would simply indicate a memory address within the *single, consolidated database associated with ebay.com* that stores information *for all sellers* offering items for auction on ebay.com. It appears that instead of addressing this argument, the Examiner merely asserted that because the *Ebay* reference discloses multiple sellers, the *Ebay* reference discloses this limitation. Appellants have clearly



demonstrated above (and throughout prosecution) that these assertions are misplaced, insufficient, and simply incorrect.

Furthermore, with respect to the Examiner's third argument, the Examiner's apparent equation of multiple sellers with the distributed plurality of seller databases of Claim 1 cannot be made. For example, a hypothetical system could include a plurality of sellers, but fail to include a plurality of seller databases. Even more clearly, the hypothetical system could include a plurality of sellers, but fail to include "a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases," as recited in Claim 1. The information regarding the products offered by the multiple sellers may be stored in a *single, consolidated database associated with the hypothetical system* that stores information *for all sellers* offering items for sale.

Fourth, the Examiner stated, "As to applicants' arguments that Ebay performs a simple search (SQL search), instead of what is claimed, Ebay also offers this simple search instead of looking through the hierarchy." (Final Office Action, Page 9; citations omitted) In fact, what Appellants stated during prosecution was that since there is no way of knowing how the system disclosed in the *Ebay* reference performs its search based solely on the screenshots of the *Ebay* reference, ebay.com most likely performs a simple search (e.g., an SQL search) of *the single, consolidated database associated with ebay.com* that stores information *for all sellers*. (See, e.g., Response mailed January 20, 2004) As best as Appellants can glean from the Examiner's statement, the Examiner was proposing that ebay.com could perform either a SQL search or a search in response to selection of a product class in a hierarchy of product classes. First, Appellants reiterate yet again that there is no way for the Examiner to know this based on the screenshots of the *Ebay* reference. Second, even if a search is performed in response to navigation through the hierarchy of product classes on ebay.com, that search is still very likely a simple search (e.g., an SQL search) of *the single, consolidated database associated with ebay.com* that stores information *for all sellers*. The Examiner did not provide evidence otherwise.



As another example of the *Ebay* reference's deficiencies with respect to Claim 1, the *Ebay* reference fails to disclose, teach, or suggest "a search interface operable to communicate, in response to a selection of a product class by a user of the global content directory, a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,*" as recited in Claim 1. The *Ebay* reference discloses a search entry blank and results for the search. However, as best as can be determined from the screenshots making up the *Ebay* reference, the search performed is likely of *a single, consolidated database associated with ebay.com* that stores information *for all sellers* offering items for auction on ebay.com. There is simply no disclosure, teaching, or suggestion of "a plurality of seller databases," let alone communicating "a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,*" as recited in Claim 1.

Appellants made these arguments during prosecution. In response, the Examiner stated, "As to Applicants' arguments that Ebay fails to disclose a search interface, Ebay discloses this limitation. Ebay discloses a search interface (Search blank) that allows a user to find all the different products presented by the sellers according to the search." (Office Action mailed March 22, 2004, Page 10) The Examiner's summary of Appellants' argument is incorrect. Rather than simply stating that the *Ebay* reference fails to disclose, teach, or suggest a search interface, Appellants argued in the previous Response (as reiterated above) that the *Ebay* reference fails to disclose, teach, or suggest a search interface *as recited in Appellants' Claim 1*. In particular, Appellants argued during prosecution (as reiterated above) that the *Ebay* reference fails to disclose, teach, or suggest "a search interface operable to communicate, in response to a selection of a product class by a user of the global content directory, a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,*" as recited in Claim 1. Thus, the mere fact that the *Ebay*

reference may disclose a search interface that allows a user to find all the different products presented by the sellers according to the search,” as stated by the Examiner, in no way discloses, teaches, or suggests “a plurality of seller databases,” let alone communicating “a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,*” as recited in Claim 1.

For at least these reasons, the *Ebay* reference is clearly insufficient to support the Examiner’s rejection of independent Claim 1 and its dependent claims under 35 U.S.C. § 102(b). For at least analogous reasons, the *Ebay* reference is clearly insufficient to support the Examiner’s rejection of independent Claims 11 and 20 and their dependent claims under 35 U.S.C. § 102(b). These claims are therefore patentable over the *Ebay* reference. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

***E. Group 2 (Claims 3, 13, and 22)***

Claims 3, 13, and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the *Ebay* reference. Appellants respectfully submit that these claims are clearly patentable over the *Ebay* reference. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.

Claims 3, 13, and 22 are separately patentable from every other claim subject to the same ground of rejection. These claims recite limitations that are substantially different from limitations recited in the claims of other groups and cannot be properly grouped with the claims of other groups for purposes of this Appeal. For example, these claims recite patentable distinctions over the prior art beyond those recited in independent Claims 1, 11, and 20.

Dependent Claims 3, 13, and 22 depend from independent Claims 1, 11, and 20, respectively, which Appellants have shown above to be clearly patentable over the *Ebay* reference, and are allowable for at least this reason. Furthermore, in addition to those reasons

discussed above with reference to independent Claims 1, 11, and 20, dependent Claims 3, 13, and 22 recite further patentable distinctions over the *Ebay* reference.

For example, dependent Claim 3 recites that “the directory structure is distributed between a plurality of computers.” Dependent Claims 13 and 22 recite analogous limitations. *Ebay* fails to disclose, teach, or suggest these limitations.

The Examiner indicated that a situation in which “different buyers and sellers enter through the Internet” discloses the limitations recited in Claims 3, 13, and 22. (*See* Final Office Action, Page 3) Appellants respectfully disagree. Appellants submit that there is simply no way to know based on the mere screenshots that make up the *Ebay* reference how the directory structure of *Ebay* is organized. The fact that users of ebay.com located at different computers can access the directory structure of ebay.com discloses nothing regarding the structure of the directory itself, let alone that it is “distributed between a plurality of computers.” Apparently, the Examiner misinterpreted these claims as reciting that the directory structure is distributed *to* a plurality of computers, which is incorrect. In any event, the *Ebay* reference fails to disclose, teach, or suggest “the directory structure [being] distributed between a plurality of computers,” as recited in Claims 3, 13, and 22.

For at least these reasons, the *Ebay* reference fails to support the anticipation rejection of dependent Claims 3, 13, and 22. These claims are therefore patentable over the *Ebay* reference. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

***F. Group 3 (Claims 9, 18, and 27)***

Claims 9, 18, and 27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the *Ebay* reference. Appellants respectfully submit that these claims are clearly patentable over the *Ebay* reference. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.

Claims 9, 18, and 27 are separately patentable from every other claim subject to the same ground of rejection. These claims recite limitations that are substantially different from

limitations recited in the claims of other groups and cannot be properly grouped with the claims of other groups for purposes of this Appeal. For example, these claims recite patentable distinctions over the prior art beyond those recited in independent Claims 1, 11, and 20.

Dependent Claims 9, 18, and 27 depend from independent Claims 1, 11, and 20, respectively, which Appellants have shown above to be clearly patentable over the *Ebay* reference, and are allowable for at least this reason. Furthermore, in addition to those reasons discussed above with reference to independent Claims 1, 11, and 20, dependent Claims 9, 18, and 27 recite further patentable distinctions over the *Ebay* reference.

For example, dependent Claim 9 recites that “the search interface is further operable to receive search results from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query, the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the user.” Dependent Claims 18 and 27 recite analogous limitations. Without citation or explanation, the Examiner summarily concluded that the *Ebay* reference discloses these limitations. (*See* Final Office Action, Page 4) Appellants respectfully disagree.

As discussed above with respect to independent Claim 1, the *Ebay* reference discloses a search entry blank and results for the search. However, as best as can be determined from the screenshots making up the *Ebay* reference, the search performed is likely of ***a single, consolidated database associated with ebay.com*** that stores information ***for all sellers*** offering items for auction on ebay.com. There is simply no disclosure, teaching, or suggestion of “a plurality of seller databases,” let alone communicating “a search query for product data to ***the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,***” as recited in Claim 1. The mere fact that the *Ebay* reference may disclose a search interface that allows a user to find all the different products presented by the sellers

according to the search,” as stated by the Examiner, in no way discloses, teaches, or suggests “a plurality of seller databases,” let alone communicating “a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,*” as recited in Claim 1.

Appellants respectfully submit that it would be equally speculative to conclude that the *Ebay* reference discloses, teaches, or suggests a search interface operable to “receive search results *from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query,* the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the user,” as recited in Claim 9 for example. Indeed, there is simply no indication in the *Ebay* reference that its system searches a distributed plurality of distinct database; thus, the *Ebay* reference fails to disclose, teach, or suggest a search interface operable to “receive search results *from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query,* the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the user,” as recited in Claim 9 for example.

For at least these reasons, the *Ebay* reference fails to support the anticipation rejection of dependent Claims 9, 18, and 27. These claims are therefore patentable over the *Ebay* reference. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

**G. Group 4 (Claims 10, 19, and 28)**

Claims 10, 19, and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the *Ebay* reference. Appellants respectfully submit that these claims are clearly patentable over the *Ebay* reference. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.

Claims 10, 19, and 28 are separately patentable from every other claim subject to the same ground of rejection. These claims recite limitations that are substantially different from limitations recited in the claims of other groups and cannot be properly grouped with the claims of other groups for purposes of this Appeal. For example, these claims recite patentable distinctions over the prior art beyond those recited in independent Claims 1, 11, and 20.

Dependent Claims 10, 19, and 28 depend from independent Claims 1, 11, and 20, respectively, which Appellants have shown above to be clearly patentable over the *Ebay* reference, and are allowable for at least this reason. Furthermore, in addition to those reasons discussed above with reference to independent Claims 1, 11, and 20, dependent Claims 10, 19, and 28 recite further patentable distinctions over the *Ebay* reference.

For example, dependent Claim 10 recites:

The directory of Claim 9, wherein the directory is operable to:  
receive a selection from the user of a product for which product data is included in the search results; and  
communicate address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product.

Dependent Claims 19 and 28 recite analogous limitations. The *Ebay* reference fails to disclose, teach, or suggest these limitations.

The Examiner simply stated, “Ebay discloses that the directory receives a selection from the user of a product data from the search and in response the user will get information of the seller and the product (See the description of the product).” (Final Office Action, Page 4) Appellants respectfully submit that the Examiner improperly summarized the recitations of Appellants’ claims. In particular, Claim 10, for example, recites that the directory is operable to receive a selection from the user of a product for which product data is included in the search results and “*communicate address information associated with a seller database associated with a seller of the selected product, the seller database including*

*product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product.”* Whether or not the *Ebay* reference discloses that “the user will get information of the seller and the product,” as asserted by the Examiner, the *Ebay* reference still fails to disclose, teach, or suggest a directory operable to “*communicate address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product,*” as recited in Claim 10 for example. This is even more clear in light of the *Ebay* reference’s failure to even disclose, teach, or suggest “*a seller database associated with a seller of the selected product, the seller database including product data for the selected product,*” as recited in Claim 10 for example.

For at least these reasons, the *Ebay* reference fails to support the anticipation rejection of dependent Claims 10, 19, and 28. These claims are therefore patentable over the *Ebay* reference. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

## **II. The Claims are Patentable over the *Amazon* Reference**

### ***A. Overview***

Claims 1-7, 9-16, 18-25, and 27-28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the *Amazon* reference. A copy of the *Amazon* reference is attached as Appendix C. Appellants respectfully submit that Claims 1-7, 9-16, 18-25, and 27-28 are clearly patentable over the *Amazon* reference. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.

### ***B. Standard***

Appellants respectfully direct the Board’s attention to Section I.B above, which discusses the heavy burden incumbent on the Examiner for demonstrating that a reference anticipates the claims of an application.

**C. The *Amazon* Reference**

The *Amazon* reference discloses certain features similar to those discussed above with reference to the *Ebay* reference. The *Amazon* reference discloses a list of product categories through which a user may navigate to find a desired category (e.g., Electronics), within which the user may search for a desired item (e.g., DVD players). (See Pages 1 and 3-4) The *Amazon* reference also discloses returning search results for the search performed by the user, which may include a found item matching certain search terms entered by the user. (See Page 5) The found item returned in the search result (e.g., based on the search term “DVD”) may be associated with a seller (e.g., Philips). (See Pages 4-6) Amazon.com displays various information related to the found item (See Pages 5-6), including sellers of the item other than amazon.com. (See Page 5)

**D. Group 1 (Claims 1-2, 4-7, 11-12, 14-16, 20-21, and 23-25)**

Claims 1-2, 4-7, 11-12, 14-16, 20-21, and 23-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the *Amazon* reference. Appellants respectfully submit that these claims are clearly patentable over the *Amazon* reference. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.

Claims 1-2, 4-7, 11-12, 14-16, 20-21, and 23-25 are separately patentable from every other claim subject to the same ground of rejection. These claims recite limitations that are substantially different from limitations recited in other claims. In addition, claims excluded from Group 1 that are subject to the same ground of rejection and that depend on independent Claims 1, 11, and 20, respectively, recite patentable distinctions over the prior art beyond those recited in independent Claims 1, 11, and 20 and cannot be properly grouped with independent Claims 1, 11, and 20 for purposes of this Appeal.

Like the *Ebay* reference, the *Amazon* reference fails to disclose, teach, or suggest various limitations recited in Claim 1.

For example, the *Amazon* reference fails to disclose, teach, or suggest “one or more pointers associated with each product class in the plurality of product classes, *each pointer identifying the seller database in the distributed plurality of seller databases in which*



*product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from other seller databases in the distributed plurality of seller databases,”* as recited in Claim 1. As illustrated by the archived screenshots of amazon.com (which make up the *Amazon* reference), a “More Buying Choices” section of the *Amazon* reference (see Page 5) may be returned with the search results, which allows a user to view other sellers (i.e. other than amazon.com) that offer the found product for sale. However, as discussed above with reference to the *Ebay* reference, based on the screenshots that make up the *Amazon* reference, there is no way to know how the system disclosed in the *Amazon* reference works or how it obtains the search results.

Forced to speculate as we are, it is likely that one of the “other sellers” wishing to offer an item for sale on amazon.com submits information about the seller and the item to amazon.com and amazon.com simply stores that information in *a single, consolidated database associated with amazon.com* that stores information *for all “other sellers”* offering items for sale on amazon.com. For example, a seller may submit to amazon.com a message indicating that the seller has a used Philips DVD player that the seller is willing to sell for \$130.00. Amazon.com then likely stores this in *the single, consolidated database associated with amazon.com* that stores information *for all “other sellers”* offering to sell items through amazon.com. In response to a search request for “More Buying Choices” for the Philips DVD740VR DVD/VCR Combo (see *Amazon*, Page 5), amazon.com most likely performs a simple search (e.g., an SQL search) of *a the single, consolidated database associated with amazon.com* that stores information *for all “other sellers.”* Each item listing in *the single, consolidated database associated with amazon.com* (e.g., the Philips DVD740VR DVD/VCR Combo) may include a seller entry for other sellers of the item, category entries listing the categories for the item (e.g., Electronics), and other information. But this type of search does not involve accessing any “*seller database in the distributed plurality of seller databases,”* the seller database “*being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases,”* as recited in Claim 1. There simply is no disclosure, teaching, or suggestion in the *Amazon* reference of “one or more pointers associated with each product class in the plurality of product classes, *each pointer identifying the seller database in the distributed plurality of*

*seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases,”* as recited in Claim 1.

In response to such arguments made by Appellants during prosecution, the Examiner referred to his arguments made with reference to the *Ebay* reference. (See Final Office Action, Page 10) Thus, rather than burden the record by reiterating all of the arguments presented above with respect to the *Ebay* reference and the Examiner’s responses to Appellants’ arguments presented during prosecution, Appellants respectfully refer the Board’s attention to the arguments presented above with respect to the *Ebay* reference.

As just one example, *even assuming for the sake of argument that amazon.com uses pointers as defined by the Examiner, there would still be no disclosure, teaching, or suggestion in the Amazon reference* that there are “one or more pointers associated with each product class in the plurality of product classes, *each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases,”* as recited in Claim 1. At best, the pointers used by amazon.com would simply indicate a memory address within the *single, consolidated database associated with amazon.com* that stores information *for all sellers* offering items for sale on amazon.com.

As another example, the *Amazon* reference fails to disclose, teach, or suggest “a search interface operable to communicate, in response to a selection of a product class by a user of the global content directory, a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,”* as recited in Claim 1. As best as can be determined by the screenshots making up the *Amazon* reference, the search performed is likely of *a single, consolidated database associated with amazon.com* that stores

information *for all sellers* offering items for sale on amazon.com. There is simply no disclosure, teaching, or suggestion of “a plurality of seller databases,” let alone communicating “a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,*” as recited in Claim 1.

For at least these reasons, the *Amazon* reference is clearly insufficient to support the Examiner’s rejection of independent Claim 1 and its dependent claims under 35 U.S.C. § 102(b). For at least analogous reasons, the *Amazon* reference is clearly insufficient to support the Examiner’s rejection of independent Claims 11 and 20 and their dependent claims under 35 U.S.C. § 102(b). These claims are therefore patentable over the *Amazon* reference. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

***E. Group 2 (Claims 3, 13, and 22)***

Claims 3, 13, and 22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the *Amazon* reference. Appellants respectfully submit that these claims are clearly patentable over the *Amazon* reference. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.

Claims 3, 13, and 22 are separately patentable from every other claim subject to the same ground of rejection. These claims recite limitations that are substantially different from limitations recited in the claims of other groups and cannot be properly grouped with the claims of other groups for purposes of this Appeal. For example, these claims recite patentable distinctions over the prior art beyond those recited in independent Claims 1, 11, and 20.

Dependent Claims 3, 13, and 22 depend from independent Claims 1, 11, and 20, respectively, which Appellants have shown above to be clearly patentable over the *Amazon* reference, and are allowable for at least this reason. Furthermore, in addition to those reasons

discussed above with reference to independent Claims 1, 11, and 20, dependent Claims 3, 13, and 22 recite further patentable distinctions over the *Amazon* reference.

For example, dependent Claim 3 recites that “the directory structure is distributed between a plurality of computers.” Dependent Claims 13 and 22 recite analogous limitations. The *Amazon* reference fails to disclose, teach, or suggest these limitations.

The Examiner indicated that a situation in which “different buyers and sellers enter through the Internet” discloses the limitations recited in Claims 3, 13, and 22. (*See* Final Office Action, Page 5) Appellants respectfully disagree. Appellants submit that there is simply no way to know based on the mere screenshots that make up the *Amazon* reference how the directory structure of *Amazon* is organized. The fact that users of amazon.com located at different computers can access the directory structure of amazon.com discloses nothing regarding the structure of the directory itself, let alone that it is “distributed between a plurality of computers.” Apparently, the Examiner misinterpreted these claims as reciting that the directory structure is distributed *to* a plurality of computers, which is incorrect. In any event, the *Amazon* reference fails to disclose, teach, or suggest “the directory structure [being] distributed between a plurality of computers,” as recited in Claims 3, 13, and 22.

For at least these reasons, the *Amazon* reference fails to support the anticipation rejection of dependent Claims 3, 13, and 22. These claims are therefore patentable over the *Amazon* reference. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

***F. Group 3 (Claims 9, 18, and 27)***

Claims 9, 18, and 27 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the *Amazon* reference. Appellants respectfully submit that these claims are clearly patentable over the *Amazon* reference. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.

Claims 9, 18, and 27 are separately patentable from every other claim subject to the same ground of rejection. These claims recite limitations that are substantially different from

limitations recited in the claims of other groups and cannot be properly grouped with the claims of other groups for purposes of this Appeal. For example, these claims recite patentable distinctions over the prior art beyond those recited in independent Claims 1, 11, and 20.

Dependent Claims 9, 18, and 27 depend from independent Claims 1, 11, and 20, respectively, which Appellants have shown above to be clearly patentable over the *Amazon* reference, and are allowable for at least this reason. Furthermore, in addition to those reasons discussed above with reference to independent Claims 1, 11, and 20, dependent Claims 9, 18, and 27 recite further patentable distinctions over the *Amazon* reference.

For example, dependent Claim 9 recites that “the search interface is further operable to receive search results from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query, the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the user.” Dependent Claims 18 and 27 recite analogous limitations. Without citation or explanation, the Examiner summarily concluded that the *Amazon* reference discloses these limitations. (See Final Office Action, Page 5) Appellants respectfully disagree.

As discussed above with respect to independent Claim 1, the *Amazon* reference discloses a search entry blank and results for the search. However, as best as can be determined from the screenshots making up the *Amazon* reference, the search performed is likely of ***a single, consolidated database associated with amazon.com*** that stores information ***for all sellers*** offering items for auction on amazon.com. There is simply no disclosure, teaching, or suggestion of “a plurality of seller databases,” let alone communicating “a search query for product data to ***the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,***” as recited in Claim 1. The mere fact that the *Amazon* reference may disclose a search interface that allows a user to find all the different products presented by the

sellers according to the search,” as stated by the Examiner, in no way discloses, teaches, or suggests “a plurality of seller databases,” let alone communicating “a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases*,” as recited in Claim 1.

Appellants respectfully submit that it would be equally speculative to conclude that the *Amazon* reference discloses, teaches, or suggests a search interface operable to “receive search results *from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query*, the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the user,” as recited in Claim 9 for example. Indeed, there is simply no indication in the *Amazon* reference that its system searches a distributed plurality of distinct database; thus, the *Amazon* reference fails to disclose, teach, or suggest a search interface operable to “receive search results *from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query*, the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the user,” as recited in Claim 9 for example.

For at least these reasons, the *Amazon* reference fails to support the anticipation rejection of dependent Claims 9, 18, and 27. These claims are therefore patentable over the *Amazon* reference. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

**G. Group 4 (Claims 10, 19, and 28)**

Claims 10, 19, and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the *Amazon* reference. Appellants respectfully submit that these claims are clearly patentable over the *Amazon* reference. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.

Claims 10, 19, and 28 are separately patentable from every other claim subject to the same ground of rejection. These claims recite limitations that are substantially different from limitations recited in the claims of other groups and cannot be properly grouped with the claims of other groups for purposes of this Appeal. For example, these claims recite patentable distinctions over the prior art beyond those recited in independent Claims 1, 11, and 20.

Dependent Claims 10, 19, and 28 depend from independent Claims 1, 11, and 20, respectively, which Appellants have shown above to be clearly patentable over the *Amazon* reference, and are allowable for at least this reason. Furthermore, in addition to those reasons discussed above with reference to independent Claims 1, 11, and 20, dependent Claims 10, 19, and 28 recite further patentable distinctions over the *Amazon* reference.

For example, dependent Claim 10 recites:

The directory of Claim 9, wherein the directory is operable to:  
receive a selection from the user of a product for which product data is included in the search results; and  
communicate address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product.

Dependent Claims 19 and 28 recite analogous limitations. The *Amazon* reference fails to disclose, teach, or suggest these limitations.

The Examiner simply stated, “Amazon discloses that the directory receives a selection from the user of a product data from the search and in response the user will get information of the seller and the product (Pages 5 and 6).” (Final Office Action, Page 6) Appellants respectfully submit that the Examiner improperly summarized the recitations of Appellants’ claims. In particular, Claim 10, for example, recites that the directory is operable to receive a selection from the user of a product for which product data is included in the search results and “*communicate address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected*

*product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product.*” Whether or not the *Amazon* reference discloses that “the user will get information of the seller and the product,” as asserted by the Examiner, the *Amazon* reference still fails to disclose, teach, or suggest a directory operable to “*communicate address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product,*” as recited in Claim 10 for example. This is even more clear in light of the *Amazon* reference’s failure to even disclose, teach, or suggest “*a seller database associated with a seller of the selected product, the seller database including product data for the selected product,*” as recited in Claim 10 for example.

For at least these reasons, the *Amazon* reference fails to support the anticipation rejection of dependent Claims 10, 19, and 28. These claims are therefore patentable over the *Amazon* reference. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

### **III. The Claims are Patentable over the Proposed *Rajaraman-Ebay* Combination**

#### **A. Overview**

Claims 1-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Examiner’s proposed *Rajaraman-Ebay* combination. A copy of *Rajaraman* is attached as Appendix D. Appellants respectfully submit that the Examiner’s proposed *Rajaraman-Ebay* combination fails to support the obviousness rejections of Claims 1-28. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.

#### **B. Standard**

The question raised under 35 U.S.C. § 103 is whether the prior art taken as a whole would suggest the claimed invention taken as a whole to one of ordinary skill in the art at the time of the invention. *See* 35 U.S.C. § 103(a). Accordingly, even if all elements of a claim



are disclosed in various prior art references, which is certainly not the case here as discussed below, the claimed invention taken as a whole cannot be said to be obvious without some reason given in the prior art why one of ordinary skill at the time of the invention would have been prompted to modify the teachings of a reference or combine the teachings of multiple references to arrive at the claimed invention.

The M.P.E.P. sets forth the strict legal standard for establishing a *prima facie* case of obviousness based on modification or combination of prior art references. "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references where combined) must teach or suggest all the claim limitations." M.P.E.P. § 2142, 2143. The teaching, suggestion, or motivation for the modification or combination and the reasonable expectation of success must both be found in the prior art and cannot be based on an applicant's disclosure. *See Id.* (citations omitted). "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art" at the time of the invention. M.P.E.P. § 2143.01. Even the fact that references *can* be modified or combined does not render the resultant modification or combination obvious unless the prior art teaches or suggests the desirability of the modification or combination. *See Id.* (citations omitted). Moreover, "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citations omitted).

The governing Federal Circuit case law makes this strict legal standard even more clear.<sup>3</sup> According to the Federal Circuit, "a showing of a suggestion, teaching, or motivation to combine or modify prior art references is an essential component of an obviousness

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<sup>3</sup> Note M.P.E.P. 2145 X.C. ("The Federal Circuit has produced a number of decisions overturning obviousness rejections due to a lack of suggestion in the prior art of the desirability of combining references.").

holding.” *In re Sang-Su Lee*, 277 F.3d 1338, 1343, 61 U.S.P.Q.2d 1430, 1433 (Fed. Cir. 2002) (quoting *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 U.S.P.Q.2d 1456, 1459 (Fed. Cir. 2000)). “Evidence of a suggestion, teaching, or motivation . . . may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, the nature of the problem to be solved.” *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). However, the “range of sources available . . . does not diminish the requirement for actual evidence.” *Id.* Although a prior art device “may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.” *In re Mills*, 916 F.2d at 682, 16 U.S.P.Q.2d at 1432. *See also In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457-58 (Fed. Cir. 1998) (holding a *prima facie* case of obviousness not made where the combination of the references taught every element of the claimed invention but did not provide a motivation to combine); *In Re Jones*, 958 F.2d 347, 351, 21 U.S.P.Q.2d 1941, 1944 (Fed. Cir. 1992) (“Conspicuously missing from this record is any evidence, other than the PTO’s speculation (if that can be called evidence) that one of ordinary skill in the herbicidal art would have been motivated to make the modification of the prior art salts necessary to arrive at” the claimed invention.). Even a determination that it would have been obvious to one of ordinary skill in the art at the time of the invention to try the proposed modification or combination is not sufficient to establish a *prima facie* case of obviousness. *See In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1599 (Fed. Cir. 1988).

In addition, the M.P.E.P. and the Federal Circuit repeatedly warn against using an applicant's disclosure as a blueprint to reconstruct the claimed invention. For example, the M.P.E.P. states, “The tendency to resort to ‘hindsight’ based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.” M.P.E.P. § 2142. The governing Federal Circuit cases are equally clear. “A critical step in analyzing the patentability of claims pursuant to [35 U.S.C. § 103] is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. . . . Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may

prompt one 'to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher.'" *In re Kotzab*, 217 F.3d 1365, 1369, 55 U.S.P.Q.2d 1313, 1316 (Fed. Cir. 2000) (citations omitted). In *In re Kotzab*, the Federal Circuit noted that to prevent the use of hindsight based on the invention to defeat patentability of the invention, the court requires the Examiner to show a sufficient motivation in the prior art to combine the references that allegedly create the case of obviousness. *See id.* *See also, e.g., Grain Processing Corp. v. American Maize-Products*, 840 F.2d 902, 907, 5 U.S.P.Q.2d 1788, 1792 (Fed. Cir. 1988). Similarly, in *In re Dembiczak*, the Federal Circuit reversed a finding of obviousness by the Board, explaining that the required evidence of such a teaching, suggestion, or motivation is essential to avoid impermissible hindsight reconstruction of an applicant's invention:

Our case law makes clear that the best defense against the subtle but powerful attraction of hind-sight obviousness analysis is *rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references*. Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight.

175 F.3d at 999, 50 U.S.P.Q.2d at 1617 (emphasis added) (citations omitted).

### **C. *Rajaraman***

*Rajaraman* discloses a method and system for general purpose searching (GPS), which allows a user to search for items that best match a search criteria. (Column 2, Lines 57-60) To facilitate the searching, the GPS system groups items into a classification hierarchy. The GPS system inputs a search criteria from a user, searches for the classifications of items that best match the search criteria, and displays those classifications in an order based on how well they match the search criteria. (Column 2, Line 65-Column 3, Line 3) The user can then select a displayed classification to view the sub-classifications within that classification or, if that classification has no sub-classification, the items within that classification. (Column 3, Lines 4-7)

**D. Group 1 (Claims 1-2, 4-7, 11-12, 14-16, 20-21, and 23-25)**

Claims 1-2, 4-7, 11-12, 14-16, 20-21, and 23-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the proposed *Rajaraman-Ebay* combination. Appellants respectfully submits that these claims are clearly patentable over the proposed *Rajaraman-Ebay* combination. Thus, Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

Claims 1-2, 4-7, 11-12, 14-16, 20-21, and 23-25 are separately patentable from every other claim subject to the same ground of rejection. These claims recite limitations that are substantially different from limitations recited in other claims. In addition, claims excluded from Group 1 that are subject to the same ground of rejection and that depend on independent Claims 1, 11, and 20, respectively, recite patentable distinctions over the prior art beyond those recited in independent Claims 1, 11, and 20 and cannot be properly grouped with independent Claims 1, 11, and 20 for purposes of this Appeal.

**1. The Proposed *Rajaraman-Ebay* Combination Fails to Disclose, Teach, or Suggest Various Limitations Recited in Appellants' Claims**

*Rajaraman*, even when considered in combination with *Ebay*, fails to disclose, teach, or suggest various limitations recited in Appellants' claims. As an example, Appellants discuss Claim 1.

For example, *Rajaraman* fails to disclose, teach, or suggest “one or more pointers associated with each product class in the plurality of product classes, *each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases*,” as recited in Claim 1. Figure 2 of *Rajaraman* makes clear that any product data is merely stored in *a single product database 201 associated with the system*. Nowhere does *Rajaraman* disclose a plurality of seller databases, much less that each pointer identifies a seller database in a distributed plurality of seller databases as recited in Claim 1. At best,

*Rajaraman* discloses that the single product database 201 contains a department table for each department in an online store. (Column 5, Lines 65-66) The department may be considered the highest classification. (Column 5, Line 66 -Column 6, Line 1) Each department table contains one entry for each item that is available to be purchased through the department of the online store. (Column 6, Lines 1-2; *see also* Figures 3A and 3B) The tables include a field that specifies the classification of each item within the classification hierarchy and other fields that describe each item. (Column 6, Lines 4-10) One of these fields may be a provider field. (Column 6, Lines 10-11) Thus, the items of *Rajaraman* are merely stored in a table associated with the system. Presumably, sellers submit information for entry into the tables associated with the system, although *Rajaraman* does not disclose how seller information is entered in the tables.

Appellants made these arguments during prosecution. In response, the Examiner acknowledged, and Appellants agree, that *Rajaraman* fails to disclose a plurality of seller databases. (*See* Final Office Action, Pages 7 and 10) In particular, the Examiner stated, “However, *Rajaraman* fails to disclose a plurality of seller databases. In other words, that *Rajaraman* fails to disclose that different sellers. *Rajaraman* discloses a single database (Figure 2).” (Final Office Action, Page 7) Appellants are unclear as to the meaning of the Examiner’s second sentence in the above-quoted passage. If the Examiner intended to state that “In other words, *Rajaraman* fails to disclose [ . . . ] different sellers,” then the Examiner is essentially equating a failure to teach different sellers with a failure to disclose a plurality of seller databases. This equation cannot be made, as Appellants demonstrated above with reference to the *Ebay* reference. For example, as described above with reference to the *Ebay* reference, a hypothetical system could include a plurality of sellers, but fail to include a plurality of seller databases. Even more so, the hypothetical system could include a plurality of sellers, but fail to include “a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases,” as recited in Claim 1. The information regarding the products offered by the multiple sellers may be stored in a ***single, consolidated database associated with the hypothetical system*** that stores information ***for all sellers*** offering items for sale.

In any event, the Examiner went on to state, “Ebay teaches that it is known in the art to have multiple seller databases (each seller) grouped in a global content directory (site).” (Final Office Action, Page 7; *see also* Page 10) Again, the Examiner equated the plurality of seller databases recited in Claim 1 to the fact that multiple sellers can sell items in the system disclosed in the *Ebay* reference. While Appellants agree that the *Ebay* reference discloses multiple sellers, nowhere do the screenshots of the *Ebay* reference disclose, teach, or suggest “one or more pointers associated with each product class in the plurality of product classes, *each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases,*” as recited in Claim 1. The *Ebay* reference clearly fails to account for the deficiencies of *Rajaraman*.

As another example, *Rajaraman* fails to disclose, teach, or suggest “a search interface operable to communicate, in response to a selection of a product class by a user of the global content directory, a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,*” as recited in Claim 1. As discussed above, there is no disclosure, teaching, or suggestion in *Rajaraman* of “a distributed plurality of seller databases.” *Rajaraman* merely discloses searching its GPS index associated with the single product database for terms within its classification hierarchy that match a user’s search term. There is no disclosure, teaching, or suggestion in *Rajaraman* of any search of even one seller database in response to a user query -- just a search of the GPS index. There is simply no disclosure, teaching, or suggestion of “a plurality of seller databases,” let alone communicating “a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,*” as recited in Claim 1. As demonstrated above, the *Ebay* reference clearly fails to account for these deficiencies of *Rajaraman*.

## 2. The Proposed *Rajaraman-Ebay* Combination is Improper

Appellants also respectfully submit that the Examiner's proposed *Rajaraman-Ebay* combination is improper at least because the Examiner has not demonstrated the requisite teaching, suggestion, or motivation in the cited references, or in the knowledge generally available to one of ordinary skill in the art at the time of invention, to combine or modify these references in the manner the Examiner proposes. The rejections are improper and should be reversed for at least this additional reason.

With regard to the proposed *Rajaraman-Ebay* combination, the Examiner stated, "It would have been obvious to one having ordinary skill in the art at the time the invention was made to have multiple seller databases, as taught by Ebay, into a device as described by Rajaraman, because it is a duplication of component that will not affect how to navigate the system. Furthermore, it would have been obvious because it would give more options to the customer for an item." Appellants respectfully submit that the Examiner's purported motivation for combining *Rajaraman* with the *Ebay* reference is insufficient under the M.P.E.P. and governing Federal Circuit case law.

First, as discussed above, Appellants respectfully disagree that the *Ebay* reference teaches multiple seller databases, as asserted by the Examiner. Second, it is not entirely clear to Appellants what the Examiner meant by "it is a duplication of component that will not affect how to navigate the system." Certainly, a system implemented to search "a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases," as recited in Claim 1 for example, might very well be implemented differently than a system that includes a single, consolidated database or another centralized database system. Furthermore, the fact that neither *Rajaraman* nor the *Ebay* reference discloses, teaches, or suggests "the distributed plurality of seller databases" recited in Claim 1 results in the proposed combination of these references necessarily failing to disclose, teach, or suggest at least the following limitation recited in Claim 1:

- one or more pointers associated with each product class in the plurality of product classes, each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product

- class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases; and
- a search interface operable to communicate, in response to a selection of a product class by a user of the global content directory, a search query for product data to the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases.

Moreover, the fact that the modification will purportedly “not affect how to navigate the system” does not provide the requisite teaching, suggestion, or motivation to combine the teachings of two references.

Given the above-discussed flaws in the Examiner’s reasoning, Appellants respectfully submit that the Examiner has not provided a proper teaching, suggestion, or motivation to combine or modify *Rajaraman* with the *Ebay* reference in the manner the Examiner proposes, as is required by the M.P.E.P. and governing Federal Circuit case law. Appellants claims are allowable for at least this additional reason.

### **3. Conclusion with Respect to Group 1**

For at least these reasons, the proposed *Rajaraman-Ebay* combination fails support the obviousness rejection of independent Claim 1 and its dependent claims. For at least analogous reasons, the proposed *Rajaraman-Ebay* combination fails to support the obviousness rejection of independent Claims 11 and 20 and their dependent claims. These claims are therefore patentable over the proposed *Rajaraman-Ebay* combination. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

#### ***E. Group 2 (Claims 3, 13, and 22)***

Claims 3, 13, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the proposed *Rajaraman-Ebay* combination. Appellants respectfully submit that these claims are clearly patentable over proposed *Rajaraman-Ebay* combination. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.



Claims 3, 13, and 22 are separately patentable from every other claim subject to the same ground of rejection. These claims recite limitations that are substantially different from limitations recited in the claims of other groups and cannot be properly grouped with the claims of other groups for purposes of this Appeal. For example, these claims recite patentable distinctions over the prior art beyond those recited in independent Claims 1, 11, and 20.

Dependent Claims 3, 13, and 22 depend from independent Claims 1, 11, and 20, respectively, which Appellants have shown above to be clearly patentable over the proposed *Rajaraman-Ebay* combination, and are allowable for at least this reason. Furthermore, in addition to those reasons discussed above with reference to independent Claims 1, 11, and 20, dependent Claims 3, 13, and 22 recite further patentable distinctions over the proposed *Rajaraman-Ebay* combination.

For example, dependent Claim 3 recites that “the directory structure is distributed between a plurality of computers.” Dependent Claims 13 and 22 recite analogous limitations. *Rajaraman*, whether considered alone or in combination with the *Ebay* reference, fails to disclose, teach, or suggest these limitations.

The Examiner indicated that a situation in which “different buyers and sellers enter [the system disclosed in *Rajaraman*] through the Internet” discloses the limitations recited in Claims 3, 13, and 22. (See Final Office Action, Page 7) Appellants respectfully disagree. Appellants submit that the fact that users of the system disclosed in *Rajaraman* located at different computers can access the directory structure of the system disclosed in *Rajaraman* discloses nothing regarding the structure of the directory itself, let alone that it is “distributed between a plurality of computers.” Apparently, the Examiner misinterpreted these claims as reciting that the directory structure is distributed *to* a plurality of computers, which is incorrect. In any event, *Rajaraman* fails to disclose, teach, or suggest “the directory structure [being] distributed between a plurality of computers,” as recited in Claims 3, 13, and 22. As discussed above, the *Ebay* reference fails to account for these deficiencies of *Rajaraman*.

For at least these reasons, the proposed *Rajaraman-Ebay* combination fails support the obviousness rejection of dependent Claims 3, 13, and 22. These claims are therefore patentable over the proposed *Rajaraman-Ebay* combination. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

***F. Group 3 (Claims 9, 18, and 27)***

Claims 9, 18, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the proposed *Rajaraman-Ebay* combination. Appellants respectfully submit that these claims are clearly patentable over the proposed *Rajaraman-Ebay* combination. Appellants respectfully submit that these rejections are therefore improper and should be reversed by the Board.

Claims 9, 18, and 27 are separately patentable from every other claim subject to the same ground of rejection. These claims recite limitations that are substantially different from limitations recited in the claims of other groups and cannot be properly grouped with the claims of other groups for purposes of this Appeal. For example, these claims recite patentable distinctions over the prior art beyond those recited in independent Claims 1, 11, and 20.

Dependent Claims 9, 18, and 27 depend from independent Claims 1, 11, and 20, respectively, which Appellants have shown above to be clearly patentable over the proposed *Rajaraman-Ebay* combination, and are allowable for at least this reason. Furthermore, in addition to those reasons discussed above with reference to independent Claims 1, 11, and 20, dependent Claims 9, 18, and 27 recite further patentable distinctions over the proposed *Rajaraman-Ebay* combination.

For example, dependent Claim 9 recites that “the search interface is further operable to receive search results from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query, the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the user.” Dependent Claims 18 and 27 recite analogous limitations.

*Rajaraman*, whether considered alone or in combination with the *Ebay* reference, fails to disclose, teach, or suggest these limitations.

In rejecting these claims, the Examiner stated that *Rajaraman* discloses that “the buyer will get different products related to the search term (for example: clothes) from different sellers.” (Final Office Action, Page 8) Even assuming that the Examiner’s interpretation of *Rajaraman* is correct, *Rajaraman* still fails to disclose, teach, or suggest the limitations recited in Claims 9, 18, and 27.

As discussed above with respect to independent Claim 1, the Examiner acknowledged, and Appellants agree, that *Rajaraman* fails to disclose a plurality of seller databases. (See Final Office Action, Pages 7 and 10) Thus, *Rajaraman* necessarily fails to disclose, teach, or suggest a search interface that is further operable to “receive search results from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query, the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the user,” as recited in Claim 9 for example. The fact that search results generated in *Rajaraman* may include products available from different sellers does not disclose, teach, or suggest that the system disclosed in *Rajaraman* receives “search results from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query,” as recited in Claim 9 for example.

Additionally, Appellants have repeatedly demonstrated that the *Ebay* reference fails to account for this deficiency of *Rajaraman*. For example, there is simply no disclosure, teaching, or suggestion in the *Ebay* reference of “a plurality of seller databases,” let alone communicating “a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases*,” as recited in Claim 1. Thus, the mere fact that the *Ebay* reference may disclose a search interface that allows a user to find all the different

products presented by the sellers according to the search,” as stated by the Examiner, in no way discloses, teaches, or suggests “a plurality of seller databases,” let alone communicating “a search query for product data to *the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases,*” as recited in Claim 1.

Appellants respectfully submit that it would be equally speculative to conclude that the *Ebay* reference discloses, teaches, or suggests a search interface operable to “receive search results *from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query,* the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the user,” as recited in Claim 9 for example. Indeed, there is simply no indication in the *Ebay* reference that its system searches a distributed plurality of distinct database; thus, the *Ebay* reference fails to disclose, teach, or suggest a search interface operable to “receive search results *from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query,* the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the user,” as recited in Claim 9 for example.

For at least these reasons, the proposed *Rajaraman-Ebay* combination fails support the obviousness rejection of dependent Claims 9, 18, and 27. These claims are therefore patentable over the proposed *Rajaraman-Ebay* combination. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

**G. Group 4 (Claims 10, 19, and 28)**

Claims 10, 19, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the proposed *Rajaraman-Ebay* combination. Appellants respectfully submit that these claims are clearly patentable over the proposed *Rajaraman-Ebay* combination. Appellants

respectfully submit that these rejections are therefore improper and should be reversed by the Board.

Claims 10, 19, and 28 are separately patentable from every other claim subject to the same ground of rejection. These claims recite limitations that are substantially different from limitations recited in the claims of other groups and cannot be properly grouped with the claims of other groups for purposes of this Appeal. For example, these claims recite patentable distinctions over the prior art beyond those recited in independent Claims 1, 11, and 20.

Dependent Claims 10, 19, and 28 depend from independent Claims 1, 11, and 20, respectively, which Appellants have shown above to be clearly patentable over the proposed *Rajaraman-Ebay* combination, and are allowable for at least this reason. Furthermore, in addition to those reasons discussed above with reference to independent Claims 1, 11, and 20, dependent Claims 10, 19, and 28 recite further patentable distinctions over the proposed *Rajaraman-Ebay* combination.

For example, dependent Claim 10 recites:

The directory of Claim 9, wherein the directory is operable to:  
receive a selection from the user of a product for which product data is included in the search results; and  
communicate address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product.

Dependent Claims 19 and 28 recite analogous limitations. *Rajaraman*, whether considered alone or in combination with the *Ebay* reference, fails to disclose, teach, or suggest these limitations.

The Examiner simply stated, “Rajaraman discloses that the directory receives a selection from the user of a product data from the search and in response the user will get information of the seller and the product.” (Final Office Action, Page 8) Appellants respectfully submit that the Examiner improperly summarized the recitations of Appellants’

claims. In particular, Claim 10, for example, recites that the directory is operable to receive a selection from the user of a product for which product data is included in the search results and “*communicate address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product.*” Whether or not *Rajaraman* discloses that “the user will get information of the seller and the product,” as asserted by the Examiner, *Rajaraman* still fails to disclose, teach, or suggest a directory operable to “*communicate address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product,*” as recited in Claim 10 for example. This is even more clear in light of *Rajaraman*’s failure to even disclose, teach, or suggest “*a seller database associated with a seller of the selected product, the seller database including product data for the selected product,*” as recited in Claim 10 for example and as acknowledged by the Examiner. As demonstrated above, the *Ebay* reference fails to make up for this deficiency of *Rajaraman*.

For at least these reasons, the proposed *Rajaraman-Ebay* combination fails support the obviousness rejection of dependent Claims 10, 19, and 28. These claims are therefore patentable over the proposed *Rajaraman-Ebay* combination. Appellants respectfully submit that these rejections are improper and should be reversed by the Board.

**Conclusion**

Appellants have demonstrated that, for at least the foregoing reasons, the present invention, as claimed, is clearly patentably distinguishable over the prior art cited by the Examiner. Therefore, Appellants respectfully request the Board to reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance of all pending claims.

Appellants have enclosed a check in the amount of \$500.00 for this Appeal Brief. Although Appellants believe no other fees are due, the Commissioner is authorized to charge any additional fees and credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.  
Attorneys for Appellants



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Christopher W. Kennerly  
Reg. No. 40,675

**Date:** January 3, 2005

**Customer Number: 05073**

**Appendix A**

1. (Previously Presented) A global content directory for a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases, the global content directory comprising:

a directory structure comprising a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and defining one or more attributes of the products categorized in the product class;

one or more pointers associated with each product class in the plurality of product classes, each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases; and

a search interface operable to communicate, in response to a selection of a product class by a user of the global content directory, a search query for product data to the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases.

2. (Original) The directory of Claim 1, wherein the directory structure comprises a lightweight directory access protocol (LDAP) directory.

3. (Original) The directory of Claim 1, wherein the directory structure is distributed between a plurality of computers.

4. (Original) The directory of Claim 1, wherein the directory is coupled to the seller databases using the Internet.

5. (Original) The directory of Claim 1, further comprising one or more additional directory structures, each directory structure comprising the same classes but organized using different hierarchies.



A.2

6. (Original) The directory of Claim 1, wherein the search query comprises a structured query language (SQL) query.

7. (Original) The directory of Claim 1, wherein the search query includes one or more attributes of the class selected by the user.

8. (Original) The directory of Claim 1, wherein the search query includes values for one or more desired product features specified by the user.

9. (Previously Presented) The directory of Claim 1, wherein the search interface is further operable to receive search results from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query, the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the user.

10. (Previously Presented) The directory of Claim 9, wherein the directory is operable to:

receive a selection from the user of a product for which product data is included in the search results; and

communicate address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product.

A.3

11. (Previously Presented) A method for facilitating an electronic commerce transaction, comprising:

providing a plurality of users access to a global content directory for a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases, the global content directory comprising:

a directory structure comprising a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and defining one or more attributes of the products categorized in the product class;

one or more pointers associated with each product class in the plurality of product classes, each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases; and

a search interface operable to communicate a search query for product data to the one or more seller databases identified by pointers associated with a selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases;

receiving a selection of a product class from a user; and

in response to the selection of the product class by the user, communicating a search query for product data to one or more seller databases identified by one or more pointers associated with the selected product class.

12. (Original) The method of Claim 11, wherein the directory structure comprises a lightweight directory access protocol (LDAP) directory.

13. (Original) The method of Claim 11, wherein the directory structure is distributed between a plurality of computers.

14. (Original) The method of Claim 11, wherein the search interface communicates with the seller databases using the Internet.

A.4

15. (Original) The method of Claim 11, wherein the search query comprises a structured query language (SQL) query.

16. (Original) The method of Claim 11, wherein the search query includes one or more attributes of the class selected by the user.

17. (Original) The method of Claim 11, wherein the search query includes values for one or more desired product features specified from the user.

18. (Previously Presented) The method of Claim 11, further comprising:  
receiving search results from the one or more seller databases each associated with its corresponding seller and distinct from the other seller in the plurality of seller databases in response to the search query, the search results including product data associated with one or more products satisfying the search query; and  
communicating the search results to the user.

19. (Previously Presented) The method of Claim 18, further comprising:  
receiving a selection from the user of a product for which product data is included in the search results; and  
communicating address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product.

A.5

20. (Previously Presented) Global content directory software for a global content directory for a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases, the global content directory software embodied in a computer-readable medium and when executed operable to:

provide a directory structure comprising a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and defining one or more attributes of the products categorized in the product class;

provide one or more pointers associated with each product class in the plurality of product classes, each pointer identifying a seller database in a distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with a corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases;

receive a selection of a product class from a user; and

in response to the selection of the product class by the user, communicate a search query for product data to one or more seller databases identified by one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases.

21. (Original) The software of Claim 20, wherein the directory structure comprises a lightweight directory access protocol (LDAP) directory.

22. (Original) The software of Claim 20, wherein the directory structure is distributed between a plurality of computers.

23. (Original) The software of Claim 20, wherein the software communicates with the seller databases using the Internet.

24. (Original) The software of Claim 20, wherein the search query comprises a structured query language (SQL) query.

25. (Original) The software of Claim 20, wherein the search query includes one or more attributes of the class selected by the user.

26. (Original) The software of Claim 20, wherein the search query includes values for one or more desired product features specified by the user.

27. (Previously Presented) The software of Claim 20, further operable to:  
receive search results from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query, the search results including product data associated with one or more products satisfying the search query; and  
communicate the search results to the user.

28. (Previously Presented) The software of Claim 27, further operable to:  
receive a selection from the user of a product for which product data is included in the search results; and  
communicate, to the user, address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product.

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PATENT APPLICATION  
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B.1

**Appendix B**

A.1

**Appendix A**

1. (Previously Presented) A global content directory for a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases, the global content directory comprising:

a directory structure comprising a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and defining one or more attributes of the products categorized in the product class;

one or more pointers associated with each product class in the plurality of product classes, each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases; and

a search interface operable to communicate, in response to a selection of a product class by a user of the global content directory, a search query for product data to the one or more seller databases identified by the one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases.

2. (Original) The directory of Claim 1, wherein the directory structure comprises a lightweight directory access protocol (LDAP) directory.

3. (Original) The directory of Claim 1, wherein the directory structure is distributed between a plurality of computers.

4. (Original) The directory of Claim 1, wherein the directory is coupled to the seller databases using the Internet.

5. (Original) The directory of Claim 1, further comprising one or more additional directory structures, each directory structure comprising the same classes but organized using different hierarchies.

A.2

6. (Original) The directory of Claim 1, wherein the search query comprises a structured query language (SQL) query.

7. (Original) The directory of Claim 1, wherein the search query includes one or more attributes of the class selected by the user.

8. (Original) The directory of Claim 1, wherein the search query includes values for one or more desired product features specified by the user.

9. (Previously Presented) The directory of Claim 1, wherein the search interface is further operable to receive search results from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query, the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the user.

10. (Previously Presented) The directory of Claim 9, wherein the directory is operable to:

receive a selection from the user of a product for which product data is included in the search results; and

communicate address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product.



A.3

11. (Previously Presented) A method for facilitating an electronic commerce transaction, comprising:

providing a plurality of users access to a global content directory for a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases, the global content directory comprising:

a directory structure comprising a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and defining one or more attributes of the products categorized in the product class;

one or more pointers associated with each product class in the plurality of product classes, each pointer identifying the seller database in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with its corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases; and

a search interface operable to communicate a search query for product data to the one or more seller databases identified by pointers associated with a selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases;

receiving a selection of a product class from a user; and

in response to the selection of the product class by the user, communicating a search query for product data to one or more seller databases identified by one or more pointers associated with the selected product class.

12. (Original) The method of Claim 11, wherein the directory structure comprises a lightweight directory access protocol (LDAP) directory.

13. (Original) The method of Claim 11, wherein the directory structure is distributed between a plurality of computers.

14. (Original) The method of Claim 11, wherein the search interface communicates with the seller databases using the Internet.

A.4

15. (Original) The method of Claim 11, wherein the search query comprises a structured query language (SQL) query.

16. (Original) The method of Claim 11, wherein the search query includes one or more attributes of the class selected by the user.

17. (Original) The method of Claim 11, wherein the search query includes values for one or more desired product features specified from the user.

18. (Previously Presented) The method of Claim 11, further comprising:  
receiving search results from the one or more seller databases each associated with its corresponding seller and distinct from the other seller in the plurality of seller databases in response to the search query, the search results including product data associated with one or more products satisfying the search query; and  
communicating the search results to the user.

19. (Previously Presented) The method of Claim 18, further comprising:  
receiving a selection from the user of a product for which product data is included in the search results; and  
communicating address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product.

A.5

20. (Previously Presented) Global content directory software for a global content directory for a distributed plurality of seller databases, each seller database being associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases, the global content directory software embodied in a computer-readable medium and when executed operable to:

provide a directory structure comprising a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and defining one or more attributes of the products categorized in the product class;

provide one or more pointers associated with each product class in the plurality of product classes, each pointer identifying a seller database in a distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, the seller database identified by the pointer being associated with a corresponding seller and being distinct from the other seller databases in the distributed plurality of seller databases;

receive a selection of a product class from a user; and

in response to the selection of the product class by the user, communicate a search query for product data to one or more seller databases identified by one or more pointers associated with the selected product class, each seller database being associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases.

21. (Original) The software of Claim 20, wherein the directory structure comprises a lightweight directory access protocol (LDAP) directory.

22. (Original) The software of Claim 20, wherein the directory structure is distributed between a plurality of computers.

23. (Original) The software of Claim 20, wherein the software communicates with the seller databases using the Internet.

24. (Original) The software of Claim 20, wherein the search query comprises a structured query language (SQL) query.

25. (Original) The software of Claim 20, wherein the search query includes one or more attributes of the class selected by the user.

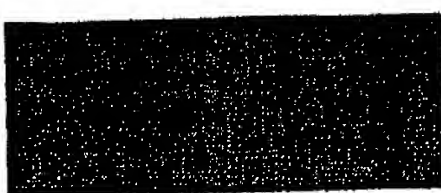
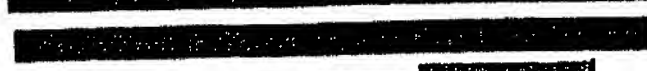
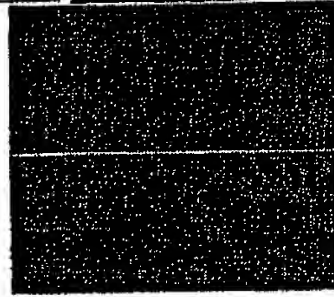
26. (Original) The software of Claim 20, wherein the search query includes values for one or more desired product features specified by the user.

27. (Previously Presented) The software of Claim 20, further operable to:  
receive search results from the one or more seller databases each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query, the search results including product data associated with one or more products satisfying the search query; and  
communicate the search results to the user.

28. (Previously Presented) The software of Claim 27, further operable to:  
receive a selection from the user of a product for which product data is included in the search results; and  
communicate, to the user, address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the user to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product.

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June 26 - 28, 2003, Orlando, FL

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- DISNEYLAND Artifact Tarot Cards Print
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- Leica 230V AC Zoom Stereo 2000 Microscope NEW
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The Hottest Brands  
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## Motors

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#### Sporting Goods

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- [Steiner Autographs](#)
- [TaylorMade Golf](#)
- [Baseball Cards](#)
- [PSA Graded Trading Cards](#)
- [Shimano Equipment](#)
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All Items

Auctions

Buy It Now

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[Home](#) > [All Categories](#) > [Sports](#) > [Sporting Goods](#) > [Golf](#)

Basic Search

Golf

64155 items found

☒ only in Golf

☐ in titles & descriptions

Search

Show only: [current](#) | [new today](#) | [ending today](#) | [going, going, gone](#)

Categories

Golf

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Display

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Picture	Featured Items - Current	Price	Bids	Time Left
	NWT Nike Tiger Woods Golf Shoes 11 FREE SHIP	\$79.50	=Buy It Now	9d 22h
	NWT Nike Tiger Woods Golf Shoes 9 FREE SHIP	\$79.50	=Buy It Now	9d 22h
	NEW! MENS (RH) GRAPH 32+PC COMPLETE GOLF SET	\$161.99	=Buy It Now	6d 22h
	NEW! LADIES (RH) 32+PC. COMPLETE GOLF SET	\$161.99	=Buy It Now	6d 22h
	Brand New Bob Hoskins	\$119.99	=Buy It Now	9d 22h
	Brand New Tad Moore	\$49.99	=Buy It Now	9d 22h
	V-Series 450cc 9.5 Ti Driver REGULAR Flex	\$67.00	=Buy It Now	9d 22h
	New! V-Series 450cc 9.5 Ti Driver STIFF Flex	\$67.00	=Buy It Now	9d 22h



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Items matching ( roberto clemente )



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View Category: [Sports](#)

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☒ only in Sports

☐ in titles & descriptions

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Items matching your search were found in:

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▪ [Sporting Goods \(10\)](#)

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## Sports

828 items found for roberto clemente

Sort by items: [ending first](#) | [newly listed](#) | [lowest priced](#) | [highest priced](#)

Picture	Featured	Item Title	Price	Bids	Time
		ROBERTO CLEMENTE SIGNED BASEBALL *AWESOME*	\$1,535.00	25	

To find out how to be listed in this section and seen by thousands, please visit this link [Featured Auctions](#)

Picture	Item Title	Price	Bids	Time
	03 CHAMPIONS ROBERTO CLEMENTE 1971 MVP L@@K	\$1.00	-	
	1968 Topps Game Card ROBERTO CLEMENTE	\$3.00	-	
	Roberto Clemente Book	\$3.99	-	
	Roberto Clemente Pirates Bobble Head Nodder	\$14.99	-	
		\$34.95	<a href="#">Buy It Now</a>	
	ROBERTO CLEMENTE SIGNED BASEBALL *AWESOME*	\$1,535.00	25	
	1973 TOPPS BASEBALL ROBERTO CLEMENTE	\$5.24	2	
	1969 TOPPS #50 ROBERTO CLEMENTE	\$4.50	6	
	1972 Topps #309 Roberto Clemente PSA 8 NM-MT	\$64.00	10	

eBay item 2731503355 (Ends May-28-03 15:00 EDT) CLEMENTE SIGNED BASEBALL AWESOME  
<http://www.eBay.com/ws/eBayViewItem?item=2731503355&category=27260>



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See this item in eBay's new look for this page.

## ROBERTO CLEMENTE SIGNED BASEBALL AWESOME

(item #2731503355)

[Sports: Sports Memorabilia: Autographs: Baseball-MLB: Balls](#)



Current bid **US \$1,535.00** (reserve met)

Starting bid **US \$9.99**

Quantity **1**

# of bids **25** [Bid history](#)

Time left **1 hours, 9 mins +**

Location **Yoktoun, VA**

Country/Region **United States /Norfolk-Virginia Beach**



Started **May-21-03 15:52:22 PDT**

[Mail this auction to a friend](#)

Ends **May-28-03 15:52:22 PDT**

[Watch this item](#)

**Featured Plus! Auction**

[atlanticsports\( 725 ★ \)](#)

Seller (rating)

**Feedback rating: 725** with 99.6% positive feedback reviews ([Read all reviews](#))  
 Member since: May-01-99. Registered in United States  
[View seller's other items](#) | [Ask seller a question](#) | [Safe Trading Tips](#)

High bidder **[ndoor33353@aol.com](mailto:ndoor33353@aol.com) ( 148 ★ )**

Payment money order/cashiers check, personal check, Visa/MasterCard, Discover, or see item description for payment methods accepted.

Shipping Buyer pays for all shipping costs, which are provided in the Payment Details section below. Seller ships internationally (worldwide).

Seller services [Sell similar item](#)

Item Revised To review [revisions](#) made to this item by the seller, [click here](#).

[Description](#)

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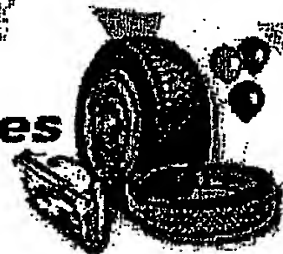
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Tent  
Event****Parts &  
Accessories****Liquidation Center****Under \$10**[Decals](#) | [Grill Kits](#)  
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[Everything Chevy](#)**Under \$25**[Mirrors](#) | [Floor Mats](#)  
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 south carolina luxury coastal waterfront land  
 Beautiful Elegant Glass Chess Set big sales!  
 Marriott 2 BR Red Gold Crown Hilton Head, SC!  
 LOSE 95lbs BY JULY Guaranteed? #1 Diet Pill  
 Classic Country Hits Only \$14.85-8 Cd Set

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[Antiquities \(8830\)](#)  
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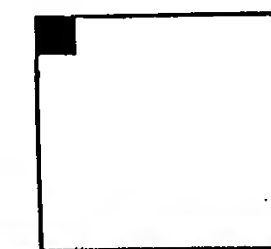
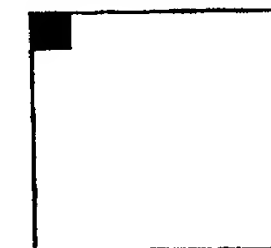
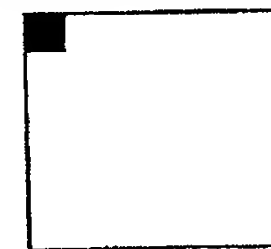
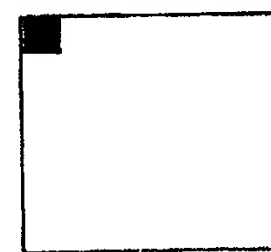
### Art (202750)

[Digital Art \(1021\)](#)  
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[Folk Art \(7467\)](#)  
[Mixed Media \(2134\)](#)

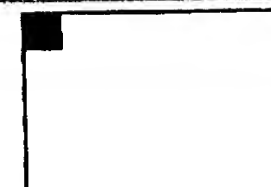
### Home (864754)

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Wednesday, October 13, 1999

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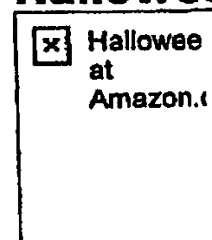
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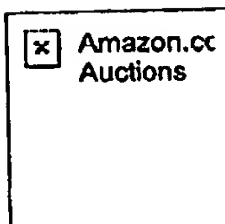
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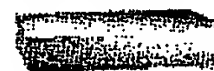
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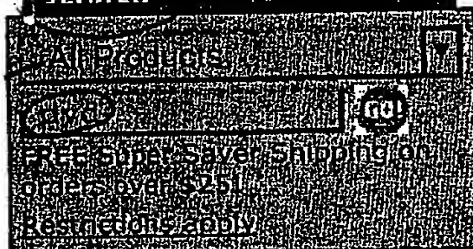
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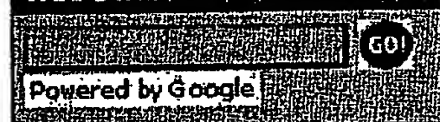
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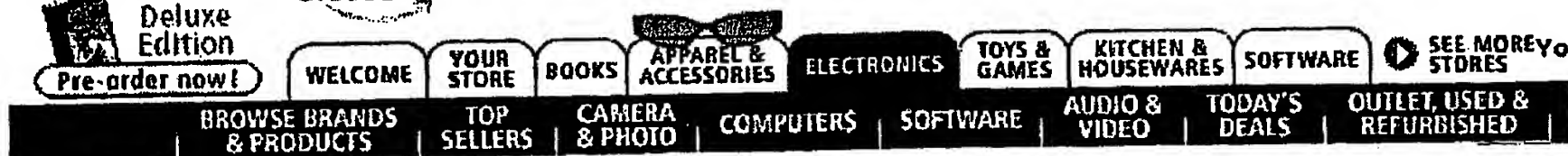
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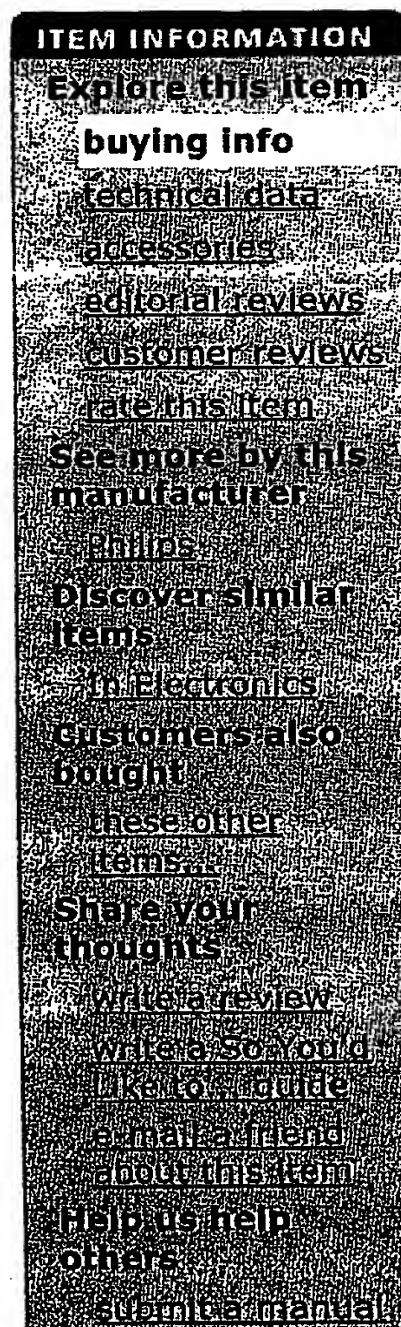
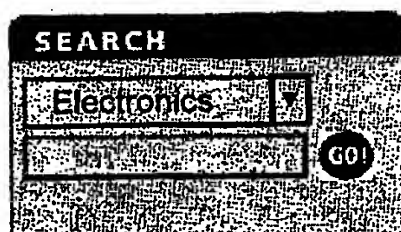
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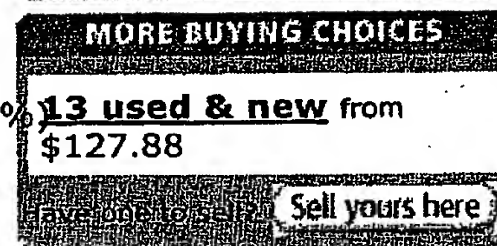
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